Bush v. Gore v. America RENATA ADLER

Stanley Fish's Stunts HELEN VENDLER

Dennis Hastert's Stunts MICHAEL CROWLEY

THE NEW REPUBLIC

JULY 30, 2001

The Most Powerful Bushie You've Never Heard Of

BY RYAN LIZZA

$3.50US $3.5

0 787446 8

#BXBKDML**********5-DIGIT 94301
#TNR0000068171/5#42 09DEC02 P6 B1299
19240

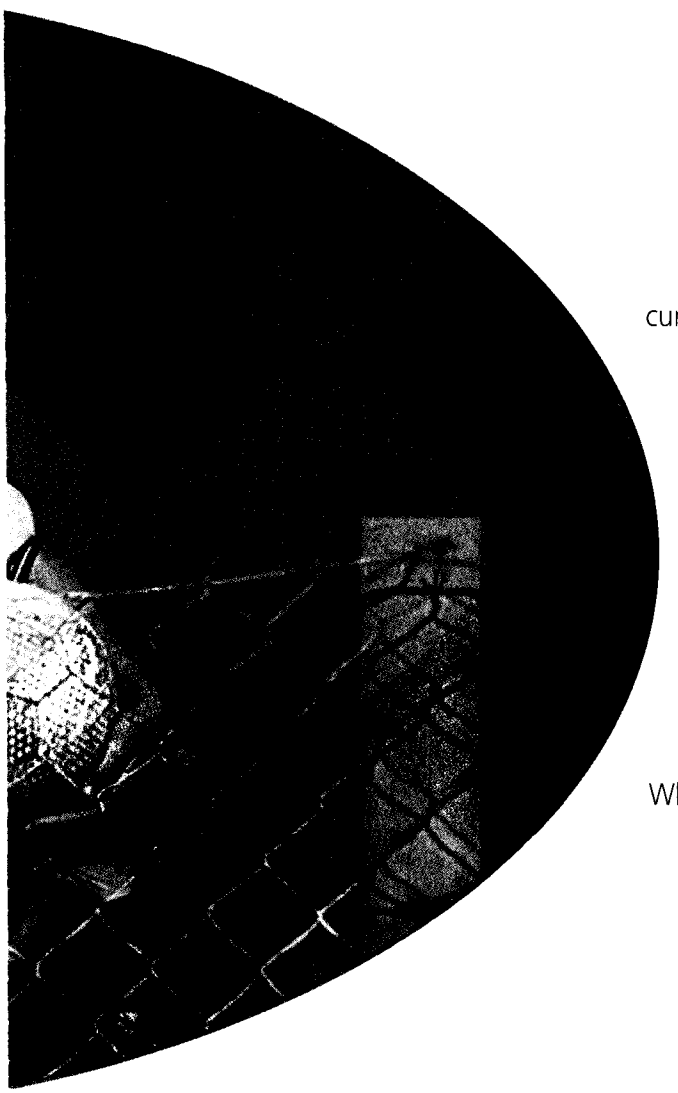
RON K UNZ
555 BRYANT ST # 371
PALO ALTO CA 94301-1704

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Because our best friends have diabetes, too.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

TOMORROW'S CURES



At Pfizer, we're determined to find the cures of the future. A cure for your father's Alzheimer's, your sister's heart disease, your best friend's diabetes. A cure for the ailments that touch all our families. This year we're devoting $5 billion to research and have over 12,000 scientists and health experts searching for the solutions to age-old problems. Why are we so sure the cures can be found? Because at Pfizer we know in our hearts the only thing incurable is our passion.

Pfizer

Life is our life's work.

www.pfizer.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

As Congress renews the debate over prescription drug coverage for American seniors, we reaffirm our support for creating a meaningful coverage benefit.

What is the measure of a meaningful benefit?

It must provide "choice" ... fully assist the poorest seniors ... spur competition ... include access to all medicines ... foster, not frustrate, drug research ... and permit those seniors who already have drug coverage — to keep it.

We're America's pharmaceutical companies ... and we say YES!

We're America's pharmaceutical companies...we say "Yes"...to drug coverage for American seniors.

PhRMA

Pharmaceutical Research and Manufacturers of America

New Medicines. New Hope.

www.phrma.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NEW REPUBLIC

A Journal of Politics and the Arts

WASHINGTON, D.C.
JULY 30, 2001
ISSUE 4,515

EDITOR-IN-CHIEF AND CHAIRMAN
MARTIN PERETZ

[redacted]
EDITOR
PETER BEINART
Literary Editor
LEON WIESELTIER
Executive Editor
CHRISTOPHER ORR
Senior Editors
JONATHAN CHAIT, JONATHAN COHN, MICHELLE COTTLE, GREGG EASTERBROOK, JOHN B. JUDIS, LAWRENCE F. KAPLAN, ANDREW SULLIVAN, JAMES WOOD
Legal Affairs JEFFREY ROSEN
Managing Editor SARAH BLUSTAIN
Assistant Managing Editor KATIE ISENBERG
Films: STANLEY KAUFFMANN
Theater: ROBERT BRUSTEIN
Poetry: CHARLES WRIGHT
Art: JED PERL
Architecture: MARTIN FILLER
Dance: MINDY ALOFF
The New Republic Online
MARTIN EDLUND, ARI GERSEN, DANIEL HALPERN, BARBARA KOPELOFF, JEREMY MCCARTER, AARON PAGE
New Republic Books (BASIC BOOKS)
JOHN DONATICH
Contributing Editors
FOUAD AJAMI, AKHIL REED AMAR, PETER BERKOWITZ, ELIOT A. COHEN, JEAN BETHKE ELSHTAIN, NATHAN GLAZER, ANTHONY GRAFTON, DAVID GRANN, YOSSI KLEIN HALEVI, ANN HULBERT, TONY JUDT, ROBERT KAGAN, MICKEY KAUS, MICHAEL KINSLEY, CHARLES KRAUTHAMMER, GLENN C. LOURY, MATTHEW MILLER, SHERWIN B. NULAND, DAVID RIEFF, MICHAEL J. SANDEL, MAGGIE SCARF, LEE SIEGEL, RONALD STEEL, CASS R. SUNSTEIN, MARGARET TALBOT, E.V. THAW, MICHAEL WALZER, SEAN WILENTZ, ALAN WOLFE, ROBERT WRIGHT
Contributing Artists
JACK COUGHLIN, VINT LAWRENCE, DAVID SCHORR, TOM TOLES
Special Correspondent ANNA HUSARSKA
Associate Editors
MICHAEL CROWLEY, FRANKLIN FOER, RYAN LIZZA, JASON ZENGERLE
Associate Literary Editor RUTH FRANKLIN
Consulting Art Director JONATHAN HOUSTON
Editorial-Corporate Coordinator
LAURA E. OBOLENSKY
Information-Technology and Production Director
BRUCE STEINKE
Production Manager HENRY RIGGS
Assistant Editors
AMANDA FAZZONE, NOAM SCHEIBER, BENJAMIN SOSKIS, SARAH WILDMAN
Assistant to the Editor ELI KINTISCH
Assistant Literary Editor JUSTIN DRIVER
Assistant Poetry Editor MELANIE REHAK
Reporter-Researchers
JOSHUA CHAFETZ, ANAND GIRIDHARADAS, CARYN TAMBER
Literary Intern JEREMY REFF

[redacted]
President
ANDREW MCCOLOUGH
Publisher
STEPHANIE SANDBERG
General Manager
ANNETTE POCICA

ADVERTISING SALES AND MARKETING
Director of Advertising, West
JOAN STAPLETON TOOLEY
Director of Advertising, Washington
NICHOLAS COSTON
Director of Advertising, New York
ELLEN JARVIS
Director of Advertising, New York
DAVID NUDO
Marketing Director SARA ZYSKOWSKI
Associate Advertising Manager ANN ROSSAKI

CONSUMER MARKETING
Consumer Marketing Director
HOPE ROBERTS
Consumer Marketing Manager
KELLY SPRING

FINANCE AND ADMINISTRATION
Controller GWYNETH ASDORIAN
Accounting Assistant VANESSA WILSON
Accounts Payable Coordinator ALITIA NEBLETT
Assistant to the Publisher TOBY SKLUTE
Business Assistant SARA DEGRAEVE
Receptionist LISA DUNHAM

6 **CORRESPONDENCE** Words from the Byrds, &c.

8 **ANDREW SULLIVAN** TRB: ONLY HUMAN Why stem cells are us.

11 **THE EDITORS** BORDER CROSSING George W. Bush, immigration president.

12 **NOTEBOOK** Gary Condit calls for openness, &c.

14 **MICHAEL CROWLEY** ON THE HILL: ABANDONING DENNY W. ditches the speaker.

16 **AMANDA FAZZONE** BOOB TUBE Why feminists don't understand TV.

17 **JOSHUA KURLANTZICK** BANGKOK DISPATCH: ROYAL FLUSH Why Asians love kings.

18 **JONATHAN CHAIT** TAX AND STEAL It's July, do you know where the lockbox is?

19 **JONATHAN COHN** SECOND OPINION W.'s Medicare plan has a flaw: It's already failed.

22 **RYAN LIZZA** THE INSIDER You've never heard of Ed Gillespie, but he's key to almost every major Bush domestic initiative. In particular, he's helped cast W. as a "compassionate conservative," utterly different from the revolutionary Republicans of 1994. Which is interesting, considering that Gillespie helped orchestrate that revolution. Which tells you something about how authentic "compassionate conservatism" really is.

28 **STANLEY KAUFFMANN** ON FILMS: POLISHING A GEM The full-length version of *The Blue Angel* allows us to see a masterpiece at its best.

29 **RENATA ADLER** IRREPARABLE HARM The origins of the outrage called *Bush* v. *Gore*.

35 **HELEN VENDLER** UNSURPRISED BY SIN *The Life of John Milton: A Critical Biography* by Barbara Kiefer Lewalski; *How Milton Works* by Stanley Fish

39 **INGRID D. ROWLAND** THE WAY TO THE LIGHT *Sandro Botticelli: The Drawings for Dante's Divine Comedy* edited by Hein-Thomas Schulze Altcappenberg

44 **ROCHELLE GURSTEIN** SIGNS OF THE TIMES *John Ruskin: The Later Years* by Tim Hilton

46 **JENNIFER ATKINSON** POEM *At a Bus Stop Outside Kandy*

50 **JASON ZENGERLE** DURHAM DIARIST: SAFE

[redacted]

On the Cover: Photo by WELTON B. DOBY. Photo-manipulation by THE NEW REPUBLIC. *On the Web*: www.thenewrepublic.com

THE NEW REPUBLIC, Vol. 225, Number 5, Issue 4,515, July 30, 2001. (Printed in the United States on July 18, 2001.) Published weekly (except for combined issues dated January 1 & 8, April 9 & 16, July 9 & 16, August 27 & September 3, 2001 and December 31, 2001 & January 7, 2002) at 1220 19th Street, NW, Washington, D.C. 20036. Telephone (202) 331-7494. For advertising inquiries, please contact Ann Rossaki at (202) 331-7494 or our NY sales office at (212) 465-8447. Yearly subscriptions, $59.94; foreign, $99.94 (U.S. funds); Canada, $79.94 (U.S. funds). Back issues, $4.00 (includes postage & handling). **© 2001 by The New Republic, Inc.** **(ISSN 0028-6583). Periodicals postage paid at Washington, D.C., and additional mailing offices. Rights and permissions: fax (202) 331-0275. Indexed in Readers' Guide, Media Review Digest. Microform, Canadian Periodical Index, CD-ROM, issue, and article copies are available through University Microfilms Intnl., 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone 1-800-521-0600. Postmaster: Send changes of address to The New Republic, P.O. Box 37298, Boone, IA 50037-0298. Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a self-addressed, stamped envelope (e-mail address: tnr@aol.com). For subscription inquiries or problems call 1-800-827-1289 or visit our website at www.thenewrepublic.com.**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Turn, turn, turn

TO THE EDITORS:

I really enjoyed Ronald Radosh's essay on Bob Dylan and the folk scene ("Take What You Need," June 18). My only complaint would be that he ignored any possible interaction between Dylan and the Byrds—who, after all, had a number-one hit with "Mr. Tambourine Man" before Bob decided to return to his rock "roots," as Radosh put it. The public perceives the Byrds as a copycat band that followed Dylan into folk-rock, which is not the truth. It was, in fact, the other way around: Bob had been hanging out at our rehearsal hall for more than a year before we even recorded his song. Unfortunately, Radosh's fine article did nothing to dispel that misconception.

ROGER MCGUINN
Founder, The Byrds
Via the Internet

False positive

TO THE EDITORS:

It is next to impossible to fathom Andrew Sullivan's motives for impugning the validity of the recent statistics from the Centers for Disease Control on HIV infection rates among black men who have sex with men ("Recount," June 18). Let's assume that Sullivan is mostly right—that the HIV infection rate among young black men who have sex with men is not as high as it is among black males in Botswana, the hardest-hit region on Earth. Let's also assume that the rate of new infections in this population is at the low end—that is, only 8 percent per year—and not the staggering 27 percent that is also possible within the CDC study's wide margin of error. Why would this be a comfort to Sullivan, or to the African American community, or to anyone else who cares about these highly vulnerable men?

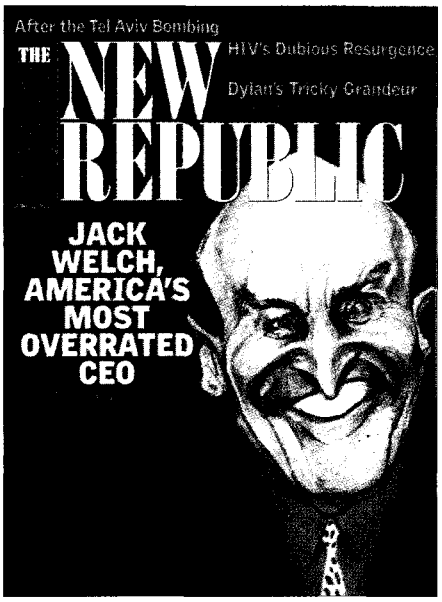
EDWIN BAYRD
Executive Editor
HIV Newsline
New York, New York

Wrong focus

TO THE EDITORS:

Rob Walker misses the mark in his profile of Jack Welch by merely demonstrating the obvious: No one, not even Welch, is that good ("Overvalued," June 18). Surely Welch rates among the best business leaders. But is he the most superlative ever? No, and spending time on it (pro or con) only wallows in the "We're number one!" obsession of celebrity culture. It's fun but not serious.

Walker chooses fun. He gleefully shows


After the Tel Aviv Bombing
THE NEW REPUBLIC
HIV's Dubious Resurgence
Dylan's Tricky Grandeur
JACK WELCH, AMERICA'S MOST OVERRATED CEO

that Welch's GE has not ranked first in every performance statistic over every different pair of years since 1980. History, contends Walker, made Jack Welch. He took over a great company and luckily managed it during great times. His sole achievement is the 100-plus unbroken string of quarterly earnings growth, a Wall Street dream of predictability against which Walker casts mere aspersion. GE's streak, he suggests, arises not from financial performance but from financial legerdemain. Without demonstrating wrongdoing, Walker insinuates that GE uses accounting practices that "may be less than pristine."

Walker stumbles here. Among the most critical skills for conglomerate management is financial planning. Because special gains, losses, and charges happen more often in conglomerates, portfolio effects are among their few acknowledged benefits—which is why so few companies like GE exist. Welch has mastered this skill. If he has cheated, say it and show it. Otherwise, all Welch has done (and amazingly well) is what he promised Wall Street he would do.

There is a sense in which Welch is overrated: persistent press hype. That his acumen differs from the bigger-than-life version should surprise no one. It would be interesting to explore the gap. For example, in the 1980s people hammered at a short-term business orientation. Now, two decades later, the media applauds the CEO who never deviated from a quarterly focus. What happened?

Arguably this: Businesses that focus on a narrow set of products and services typically outperform businesses that compete across many different markets. Conglomerates are rare because their various parts cannot win so many different battles. Focus matters.

GE and Welch have succeeded through focus, too. But theirs is a maniacal concentration on financial performance. Arguably, the only way to succeed as a conglomerate is to emphasize financial performance, quarter by quarter. Yet, while financial performance matters (a lot!) to non-conglomerate executives, they must balance concern for shareholders with attention to customers and employees.

The strict quarter-by-quarter focus that makes sense at GE, then, matters less at other businesses. It is not accidental, for example, that GE is unranked among the Fortune 100 "Best Companies to Work For"—hardly a mark consistent with the accolade "CEO of the century."

Welch has done exceptionally well in guiding a conglomerate through the turbulent '80s and '90s. Does that make him the greatest CEO ever? No. It may, however, make him and GE sui generis. And, if so, we would be wise to cautiously approach Welch's celebrity and what we might and might not learn from it.

DOUG SMITH
Millbrook, New York

Real choice

TO THE EDITORS:

Jeffrey Rosen urges the Senate not to focus on the views of President Bush's lower-court nominees on reproductive rights based on two egregious misperceptions: (1) There is little left to decide on this issue; and (2) states will only regulate around the fringes of reproductive rights ("Bench Press," June 18). First, there are numerous critical issues being decided. Recently, the Supreme Court refused to review a Fourth Circuit ruling upholding South Carolina's abortion regulations—rules so onerous they could ban all first-trimester abortions. With no Supreme Court review, the conservative judges of the Fourth Circuit can effectively restrict the right of women in South Carolina to choose legal abortion. Second, state legislatures are attacking reproductive rights. Three-fifths of the states flouted the Constitution by enacting bans on pre-viability procedures. Between 1995 and 2000, states enacted 262 anti-choice measures. Eleven states stand poised to ban abortion altogether if the Court changes and tips the narrow 5-4 balance that currently supports the right to choose.

ELIZABETH CAVENDISH
Legal Director
National Abortion and Reproductive Rights Action League
Washington, D.C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

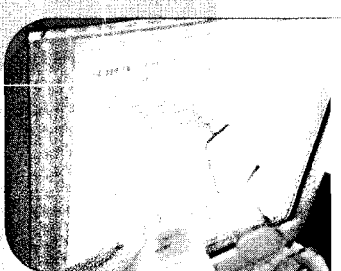
TECHNOLOGY

The Clean Coal Technology Program, a $5.2 billion investment by industry and the U.S. Department of Energy, is already delivering results. Two-thirds of the funding for the partnership comes from private industry, and it has produced over 20 new, successful technologies for generating cleaner electricity from coal.

ENVIRONMENT

Breakthrough technology converts coal to combustible gas, virtually eliminating impurities and producing electricity from coal with dramatically lower emissions and dramatically higher fuel-efficiency.

ECONOMY



The U.S. Department of Energy estimates investing in Clean Coal Technology can deliver $100 billion in returns through reduced emissions, reduced environmental costs, and higher efficiency from America's most reliable energy source, electricity from coal.

TRICITY FROM COAL

or generations, electricity from coal has been America's reliable energy source. Today, it's a cleaner energy source, and the rate of emissions by electricity from coal has dropped by more than 50 percent since 1970. And, with Clean Coal Technology and coal reserves that are expected to last another 250 years, electricity from coal will power our future.

America deserves reliable energy, and CARE, a coalition dedicated to a sound energy policy, is committed to power for our future. Energy we can depend on and afford. To find out more, visit www.CAREenergy.com

SIMPLY CLEAN ELECTRICITY FROM COAL

CARE

Coalition for Affordable and Reliable Energy

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

TRB

FROM WASHINGTON

Only Human

In one of the creepiest scenarios in Steven Spielberg and Stanley Kubrick's new movie *A.I.*, there is something called a Flesh Fair. In this sci-fi fantasy, human beings have developed technology so refined that they can create mechanical humans that appear almost as real as organic ones. These "mechas" are essentially a slave class: They perform chores, replace lost children, even have their body parts distributed for various uses. At Flesh Fairs, mechas are displayed and killed for amusement, their body parts sometimes traded and reused. They are humans entirely as means—not ends. And, of course, they're not truly human at all. They're robots simulating humans. But even robots, Spielberg and Kubrick seem to suggest, merit some dignity.

If robots deserve dignity, shouldn't blastocysts? In thinking about stem-cell research, the image of the Flesh Fair still resonates. In *A.I.* humans use pseudo-humans for sport; they chop them up, dissect them, then throw them away. When we watch the movie, we naturally recoil. But when we read essentially the same story in the newspapers—about events happening now—we manage to keep calm.

Is the analogy a stretch? Supporters of stem-cell research say blastocysts are not human beings. Or, even if they are human, they are not beings. They are no more human than, say, a clipped fingernail (which contains all the DNA information for an entire person, just as accurately as a blastocyst). Clearly, however, the fingernail comparison misses something important. A fingernail would not become a mature human being if implanted in a womb. The real question is whether this distinction amounts to a moral difference.

One criterion to distinguish a real human being—with rights and dignity—from an embryo or a fingernail might be viability. The blastocyst, while clearly the same species as the rest of us, cannot survive independent of scientific paraphernalia, a freezer, or a womb. Hence it's not a human being—and can morally be experimented on. That's a clear line—but it opens up a host of other possibilities. If "viability" independent of a mother or others is the criterion, why shouldn't the physically incapacitated or the very old be consigned to medical experimentation? Why not those in comas or on life support? If they're going to die anyway and have no ability to fend for themselves, what's the point of wasting their bodies when they could yield valuable medical insights? Yes, we could wait till they're dead—but they're far more useful to science alive.

Other criteria might be the ability to feel pain, think rationally, or be self-conscious. Since an embryo (so far as we know) can do none of these things, it's fair game. But again, these criteria make others who are similarly limited—such as those with Alzheimer's, or the paraplegic, or the insane—equal grist for the scientific mill. This is especially the case with those whose mental capacity renders them unable to give meaningful consent. Why ask at all if, like embryos, such pseudo-humans cannot say yes or no? Perhaps some people might even give their consent in advance for such work. For ethical purposes, these people could be protected from physical pain during experimentation until their death.

Supporters of stem-cell research won't go that far. Except that they already have. What, after all, makes a human being a human being? Scientists would say a human is defined by its DNA—the genetic coding that makes our species different from any others. Stem-cell research enthusiasts say we are defined by our DNA *and* our stage of development. They say a blastocyst is so unformed that it cannot be equated with a fetus, let alone with an adult. But it remains a fact—indeed one of the marvels of creation—that the embryo contains exactly the same amount of genetic information as you or I do. We aren't different from it in kind, only different in degree: in age, size, weight, gender, and on and on. In fact, in some sense, a blastocyst is the purest form of human being—genderless, indistinguishable to the naked eye from any other, unencumbered with the accoutrements of society and experience—and yet as unique as any human being who has ever lived or ever will. To extinguish it is surely not to extinguish something other than us. It is to extinguish us.

Consider these analogies. Federal law makes it a crime to kill or injure a bald eagle. It is also a crime to kill or injure a bald eagle's egg. We recognize that to kill one is the same as to kill the other. Similarly, I cannot remember the last time an apple farmer responded to an early frost by saying, "Never mind, we lost the fertilized blossom, but the apples will be fine." Of course, the apples won't be fine. Once the blossom is dead, the apples will never arrive. And once a blastocyst is killed, the human being coiled inexorably inside is no more. If that isn't killing, what is? And why are we more coherent when it comes to eagles than when it comes to humans?

Some may say that nature itself allows many blastocysts to die. What else are miscarriages? It is true that such tragedies happen all the time. But just because earthquakes happen doesn't mean massacres are justified. And our intuitive moral response to a woman who has had a miscarriage is not the same as our response to a woman who has had a haircut or even to a woman who has lost a limb. One might conceivably justify allowing extra blastocysts to be created and lost as collateral damage in an artificial insemination (although, the more I think about this, the less defensible it seems). But to turn around and use those extra blastocysts for experimentation is a completely separate step. It is to treat human life purely instrumentally. I know of no better description of evil.

Such evil cannot be morally counterbalanced by any good that medical breakthroughs might bring. This is especially true when it's possible to cultivate stem cells from other sources. Perhaps those sources are not as fecund as embryos—but that means we are confronted not by a trade-off between *any* research into stem cells and preserving human life, but between better, faster stem-cell research and human life. Under those conditions, it's not that close a call. After all, are we currently beset by the problem of scientific breakthroughs that aren't fast enough? Surely the opposite is true (or at least *also* true): We are beset by scientific breakthroughs that are occurring far faster than we have the moral language or the experience to deal with. Is a slight deceleration in that research too high a price to pay for removing even the chance that we may be taking human life?

I'm not dismissing the real pain of those dying of terminal illnesses who might conceivably be saved by this research—or the pain of their families. We should indeed do all we can to end and abate any and all disease. I write as someone with a deeply vested interest in such research. But life should be measured not by how long it is lived but by how it is lived. If my life were extended one day at the expense of one other human's life itself, it would be an evil beyond measure. Some things cannot be simply bargained or rationalized away. And one of those things is surely life itself.

ANDREW SULLIVAN

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Fannie Mae **helps save** home buyers as much as $30,000 over the life of their loans.

©2001, Fannie Mae. All rights reserved. The house logo is a registered mark of Fannie Mae.

(That allows the Lee family to move into their first home, and start **saving money** for their firstborn.)

Families have a lot of plans and dreams for their money. And buying a home is a big one on the list.

So at Fannie Mae, we're dedicating our energy toward lowering mortgage costs so that more families can afford homeownership and still have some money left for other important things in life.

And we're succeeding. For example, we help lenders offer mortgages to home buyers that save them as much as $30,000 over the life of a 30-year fixed-rate conventional loan.

And our investment in technology for the mortgage industry, such as Desktop Underwriter,® is helping lenders reduce origination costs by as much as $1,400 per loan.

Savings like that add up. And that's important to us because there are a lot of families out there with big plans and big dreams. And fortunately, now they are affordable dreams.

FannieMae
www.fanniemae.com

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ADVERTISEMENT

Police end marijuana seizures

New effort to halt tide of hard drugs

Special report: drugs in Britain

David Rose, Anthony Browne and Faisal Islam
Sunday July 8, 2001

The Observer

Britain is to abandon the hunt for cannabis smugglers and dealers in the most dramatic relaxation of policy on the drug so far.

Instead the Government has told law enforcement officers, including Customs officials and police, to target resources on 'hard drugs', such as heroin and cocaine.

Under the new strategy - part of the most radical shift in drugs policy for a generation - large-scale cannabis seizures and prosecutions will now take place only as a by-product of investigations into Class A drugs.

Last week with the blessing of Home Secretary David Blunkett, police in Brixton, south London, abandoned their policy of prosecuting people found with small amounts of the drug.....

The relaxation of policy on cannabis follows changing public attitudes to the drug. This weekend senior Tory MP Alan Duncan supported Peter Lilley, the former deputy leader of the Conservative Party, who called for the legalisation of sale of the drug in licensed outlets.

Ash director Clive Bates said: 'We would legalise cannabis in its non-smokable forms, such as in cakes, tea or droplets. There's irrationality and inconsistency in the policy on tobacco, soft and hard drugs. Even if you legalised cannabis in its smokeable forms you couldn't come close to the harm done by cigarettes, because no one smokes 20 joints a day.'

Can we learn from the Brits?

Kevin B. Zeese, President, Common Sense for Drug Policy
3220 "N" Street, NW, #141, Washington, D.C. 20007 * 703-354-9050 * fax 703-354-5695 * info@csdp.org
For more information, visit www.csdp.org and www.drugwarfacts.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Border Crossing

IT'S NO SECRET that President Bush has been courting the Hispanic vote. His political strategists evidently believe that if he does not improve on the 35 percent he captured last November, he won't be reelected in 2004. So he has appointed a Cuban-American secretary of housing and urban development and a Mexican-American White House counsel, and he has floated the names of potential Hispanic nominees to the Supreme Court. Last month he called for an end to naval bombing in Vieques three years from now (just around the time he'll be seeking reelection), even though the bombing was almost certain to cease anyway. And he often translates his platitudes into Spanish.

The president has done many things to try to win Hispanic votes. But he hadn't done anything to *deserve* to win Hispanic votes until now. This week a White House task force on immigration, headed by Secretary of State Colin Powell and Attorney General John Ashcroft, reportedly proposed granting legal status to the three million undocumented Mexican immigrants currently living illegally in the United States. The proposal was short on specifics, and the administration cautioned that it was "a work in progress." But just floating the idea was important enough. It signals that anti-immigrant politics is, for the foreseeable future, dead. And it probably took a Republican to strike the blow.

It wasn't long ago, after all, that nativism was all the rage within the GOP. California's former Republican Governor Pete Wilson based his 1994 reelection campaign on Proposition 187, which denied state benefits to illegal immigrants. One infamous Wilson campaign commercial featured grainy footage of Mexicans running across the border as a narrator intoned, "They just keep coming." Two years later, Newt Gingrich and Bob Dole supported an ultimately unsuccessful measure that would have banned the children of illegal immigrants already in the United States from attending public school. And, with Bill Clinton's acquiescence, congressional Republicans enacted a 1996 welfare reform law that denied benefits to many *legal* immigrants.

But today GOP nativism is on the decline. Wilson is what he so richly deserves to be: a pariah, shunned by a California Republican Party desperate to prove it's no longer hostile to Mexican-Americans. Pat Buchanan's anti-immigrant ravings galvanized virtually no one last year—either in the GOP primary or in the general election. And Congress has since restored some of the benefits it took away in 1996. Part of this is because the late '90s were a time of rising wages and low unemployment. Another part, however, is because George W. Bush has made hostility to GOP immigrant-bashing a central element of his political agenda.

The amnesty proposal has smoked out those GOP leaders who yearn for the good old days when the party blamed immigrants for America's problems. Senate Minority Leader Trent Lott quickly criticized the idea as "reward[ing] illegal activity." Bush's fellow Texan, Senator Phil Gramm, has said that any amnesty plan would have to pass "over my cold, dead political body." All the more reason for the president to take up the fight.

By legalizing the United States' three million undocumented Mexican immigrants, the White House would be doing something deeply humane. Legal residence would allow them to demand higher wages from their employers, who too often take advantage of their illegal status to exploit them financially. They would be able to travel freely, no longer having to risk their lives to see their families back in Mexico. And they would eventually be eligible to receive benefits from the Social Security trust fund to which many of them contribute. As legal residents, they would also have an incentive to assimilate into this country's cultural mainstream and, after five years, to become citizens.

Indeed, if enacted, Bush's amnesty proposal would likely be only one part of a much-needed overhaul of U.S. immigration policy toward Mexico. As the immigrant-advocacy group National Immigration Forum has proposed, in addition to legalizing the undocumented Mexicans already here, the United States should also expand the number of permanent and temporary visas it grants, thus legalizing the inevitable future flow of immigrants. In return, Mexico should cooperate with the United States in cracking down on smuggling at the U.S.-Mexican border.

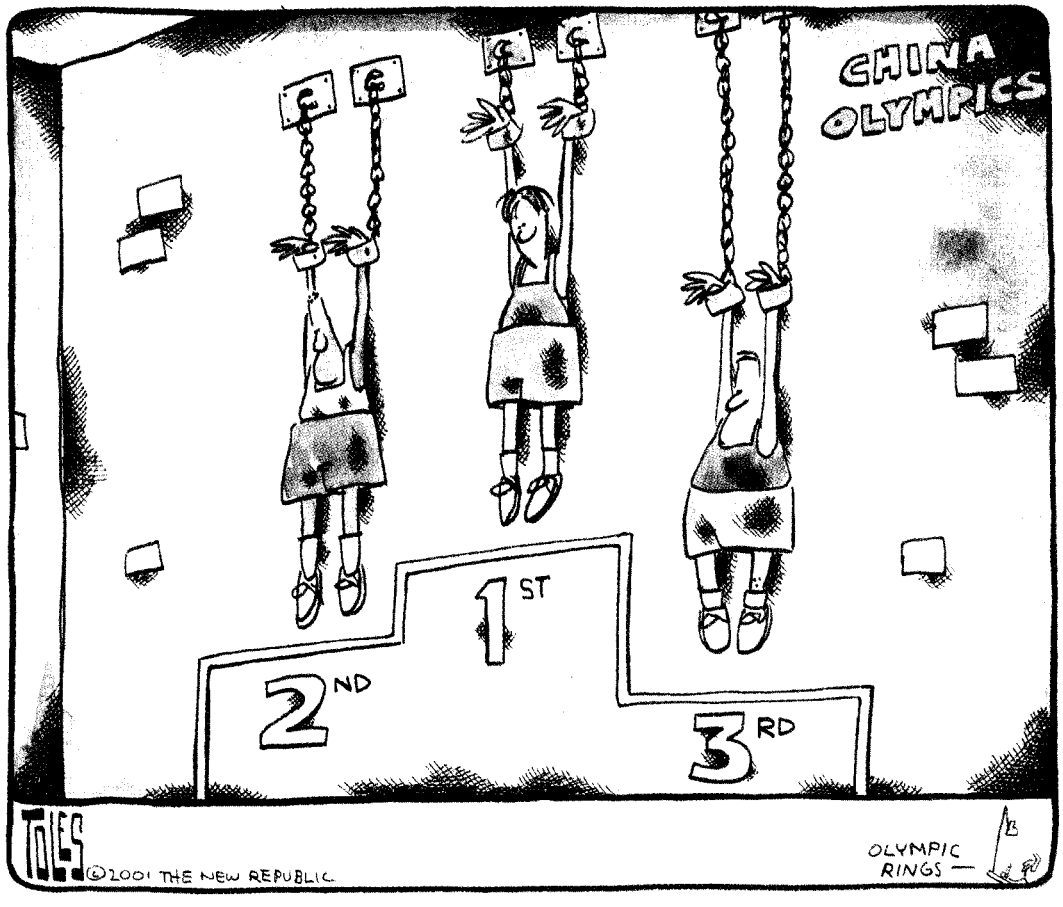
There can be little doubt that, like his administration's previous efforts at Hispanic outreach, Bush's immigration proposal is rooted in politics. But, unlike those trivial panderings, this proposal has the potential to change not just the political relationship but also the moral relationship between Hispanics and the GOP. If this is cynicism, give us more. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NOTEBOOK

KATHARINE GRAHAM: The extraordinary thing about the flood of obituary praise for Katharine Graham is that a very considerable quantity of it is true. The panegyrists are right. She *was* a woman whose character and career American women (and therefore American men) should admire. In her stewardship of *The Washington Post*, she *did* defend the principle of the freedom of the press more stoutly and more effectively than any other figure of her age. The great surprise of Mrs. Graham's life, not least to herself, was that her inner resources proved to be as abundant as her outer resources. Her life was not altogether enchanted: The savage depression and then the suicide of her husband in 1963 left a chill upon her days (she lived across the street from Oak Hill Cemetery, almost in full view of the grave inscribed "Graham"), and more than once she experienced the storming fury of the American government for her unflagging support of her paper's inquiries into official misdeeds at the highest levels. Fate and Richard Nixon quickly discovered that the widow Graham was less delicate and more cunning than she seemed. Eventually the house on R Street became second in importance only to the house on Pennsylvania Avenue. The Graham universe had its unattractive qualities, to be sure: It was all stars, and an almost comic air of exclusiveness attached itself to the magnificent lady's comings and goings; and it mythologized journalists to a preposterous degree. In the wake of Watergate, journalists came to speak sanctimoniously of themselves and of each other as heroes of American life, in an extravagant tone of self-regard that cancer scientists and fighter pilots and great poets would never permit themselves. Still, the legend of Georgetown and the legend of journalism notwithstanding, Mrs. Graham's adventures included some of the most significant adventures of American democracy in our time. And there was something cheerfully vernacular about her: a sudden and delightful collapse of everything regal, which she seemed to enjoy as much as those around her did. The toney stiffness often disguised a large endowment of sympathy. This became plentifully clear in her autobiography, *Personal History*, which described the Washington of her early years with a remarkable vivacity and the torment of her marriage with a remarkable generosity. The most affecting passage in that big book, oddly enough, is her description of her poor husband's girlfriend, who "was carried away by Phil and only slowly must have come to understand his illness": "She must be a very decent person. I understand that she married an Australian diplomat and seems to live a quiet life. I hope that she, too, eventually recovered." The person who wrote those sentences must also have been a very decent person. On the rainy morning after she died, a few bunches of flowers had been left on the tall iron gate of her house by anonymous admirers, who must have recognized that finally Mrs. Graham's interest in decency exceeded her interest in glamour.

DADDY, DADDY: In some ways President Bush is inexperienced; in other ways President Bush is experienced. In foreign policy, he is sorely inexperienced (except, *amigo*, in the one piece of our foreign policy of which a governor of Texas would have some knowledge); in having his father bail him out of a mess, he is exceedingly experienced. It happens that, for months now, Saudi Crown Prince Abdullah has been complaining that the Bush administration is tilting toward Israel and disrespecting Yasir Arafat's intifada. So what's a commander-in-chief to do? On July 15,



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The New York Times reported that 41 pitched in to do the work of 43 and telephoned the disgruntled petrocrat to assure him that 43's "heart is in the right place"—the right place being, of course, the oily Gulf, which is the only part of the Middle East that 41 has ever really cared about. Even worse, "[a]ccording to one of the accounts, President Bush was in the room when his father made the call." After which, no doubt, Junior breathed a great sigh of relief and wiped that grin off his face and swore that he will never get into trouble again and flipped open a beer. But we are skeptical. The president just keeps breaking new ground in demeaning our diplomacy. Whatever will we do with that boy?

EXECUTIVE PRIVILEGE: "Conservation is a must. We must become much more efficient in energy use.... For the country, efficiency helps us make the most of our resources, softens the impact of high prices, and reduces pollution."—Vice President Dick Cheney, *The Washington Post*, July 17

"[T]he rationale for the requested transfer of responsibility is based on the fluctuating and unpredictable nature of utility costs and the relative small annual appropriation."—The White House, explaining its request to have the Navy pay the $186,000 energy bill for the vice presidential mansion, *The New York Times*, same day

THE OTHER FORGOTTEN CONTRACT WITH AMERICA: "I [have] drafted my own talk show contract with America, promising that all guests would be treated with dignity, that solutions would be emphasized over shock and light over heat."—Geraldo Rivera, *Newsweek*, July 15, 1996

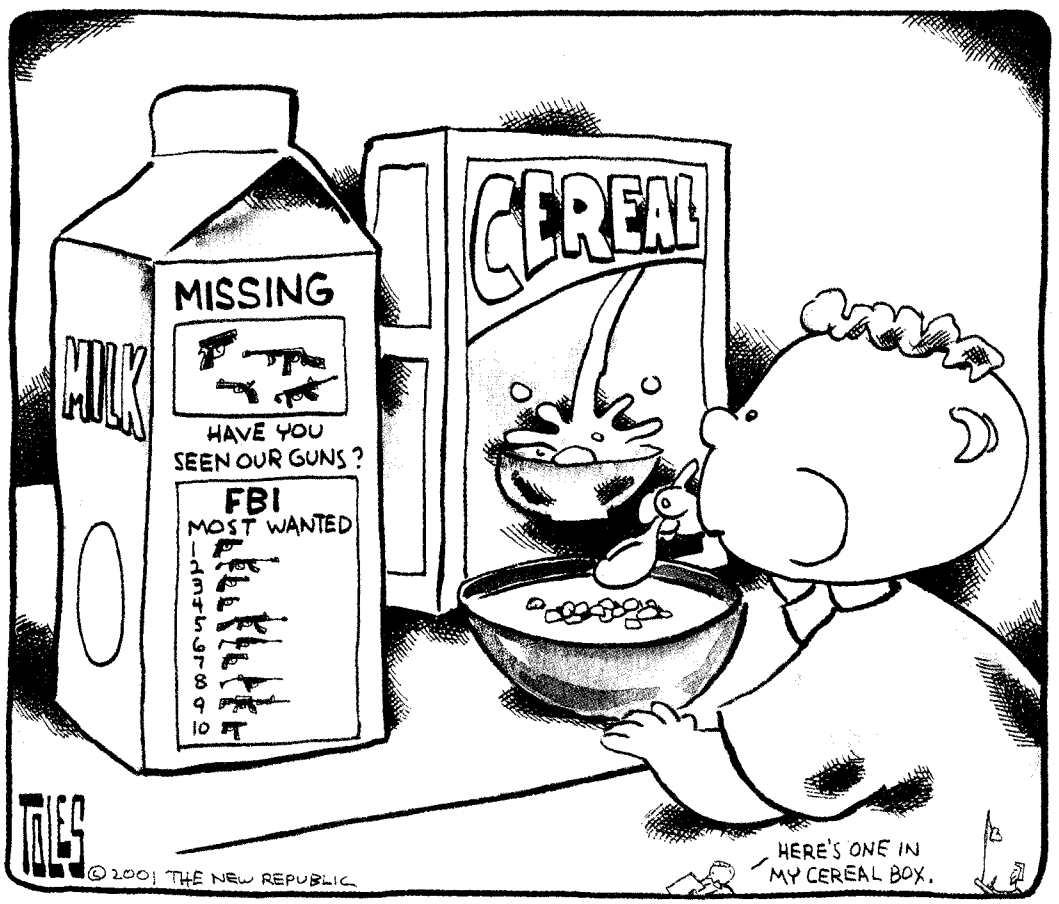
"Did he tell you, did he confide in you, Vince?... [H]e didn't tell you that he was with this brunette with nice jugs or something like that, Vince?"—Rivera, interviewing Vincent Flammini, former driver for Gary Condit, "Rivera Live," July 16, 2001

INSERT YOUR OWN HEADLINE: "Lawmakers on the Republican-controlled House Judiciary Committee wrangled at length Thursday over the public release of two potentially explosive videotapes of President Bill Clinton's testimony, but came to no final decision.... Two moderate Democrats not on the committee, Rep. Gary Condit of California and Rep. Peter Deutsch of Florida, said they planned to try to force a floor vote to release all of the information, not an edited version.... Condit said speedy release of all the information would expedite the process, 'and we frankly think that's what the American people want us to do.'"—CNN.com, September 17, 1998

AMERICA'S UNSUNG COMIC GENIUS: "I have a cameo role in the movie *America's Sweethearts*, opening Friday. That said, it is one of the funniest comedies to come down the pike in years."—Larry King, *USA Today*, July 16, 2001

"Put aside the fact that I make a cameo appearance in the film *Dave*. Ivan Reitman's latest ... is one of the funniest movies to come down the pike in a long, long time."—King, *USA Today*, April 26, 1993

"Even though I appear as myself in the coming film *Crazy People* you'll have to take my objective view that it's one of the funniest movies to come down the pike in a long, long time."—King, *USA Today*, March 19, 1990 (Thanks to *The Hotline*'s "Last Call!") ■



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

On the Hill

Abandoning Denny

By MICHAEL CROWLEY

IF PRESIDENT BUSH had a congressional champion during his first months in office, it was Dennis Hastert. The House speaker was an unlikely hero—a shambling, dough-faced fellow who comes across as a frumpier version of Dave Thomas, the affectless Midwestern founder and pitchman of the Wendy's hamburger chain. But in contrast to Trent Lott, who endured repeated defections by Republican moderates and then lost his Senate majority altogether, Hastert executed the White House game plan brilliantly despite a thin ten-seat margin. Bush was thrilled. When the House passed his tax cut in March, only weeks after it was introduced and without a single dissenting Republican vote, the delighted president staged a public phone call to heap praise on the beaming speaker. "It's a win. I can't thank you all enough," Bush said. "It's great leadership."

But it was a rather different scene at the White House last Thursday, the day the House was supposed to vote on the Shays-Meehan campaign finance reform bill. As *The New York Times* later reported, House Majority Whip Tom DeLay warned Bush during a private meeting that the reformers' bill might pass and urged him to "do the right thing" if it did: veto it. "Well, then, let's win today," Bush reportedly demurred. And when Hastert asked Bush to spend some political capital lobbying House members to defeat the legislation, according to NBC News, Bush refused, leaving the speaker "irritated."

Can you blame him? Lacking Bush's help, Hastert doubted he could win a straight vote on the floor. And so he devised a debate "rule" that required the House to consider every amendment to Shays-Meehan individually, which made passage virtually impossible. But reformers cried foul and convinced 19 Republicans to join Democrats to defeat the rule—a highly rare embarrassment for a House leader. The startling rebuke forced Hastert (egged on by furious conservatives) to play his last card: using his power as speaker to unilaterally shelve the bill, which unleashed a torrent of abuse. The *Times* called Hastert's behavior "thuggish"; *Newsweek* branded him "gutless."

Hastert had better get used to such treatment. Now that the tax cut is history and Tom Daschle runs the Senate, the legislative calendar is full of Democratic favorites: HMO reform, prescription drugs, the minimum wage. President Bush wants nothing to do with this center-left agenda. But, with polls showing that many voters already think he is too conservative, he's not inclined to publicly oppose them either. So the president will keep asking the House Republican leadership to do his dirty work—a job they accept at their peril.

HMO reform, which is likely to come before the House this week, could be even more treacherous than Shays-Meehan. As with campaign finance reform, a bill granting HMO patients new protections, plus the right to sue insurance companies, has passed the Senate. And, like campaign finance reform, its Senate co-sponsor is the president's nemesis-in-chief, Arizona Senator John McCain. If the House version—co-sponsored by Republican Charlie Norwood and Democrat John Dingell—arrives on W.'s desk, he's inclined to sign it, according to one congressional aide involved with the issue. But Republican lobbyists and the conservative base hate the legislation, so Bush is counting on Hastert to "win" for him once again.

Winning would mean passing a Republican alternative that, among other things, limits lawsuits against HMOs to $500,000 in damages. (There are no such limits in the Norwood-Dingell bill.) In contrast to the campaign finance fight, Bush has actually expended some effort himself this time, meeting at the White House with small groups of undecided House Republican moderates—including Jack Quinn of New York, Wayne Gilchrest of Maryland, Mark Foley of Florida, and freshman Shelley Moore Capito of West Virginia—a task to which, until now, he has devoted too little attention, according to some lawmakers. "Bush spent an awful lot of time, in the beginning, with senators and not a great deal of time with individual House members," says Illinois Republican Ray LaHood. "I think he is paying a lot more attention to the House because he realizes that on some of this legislation . . . he's going to rely on us."

SURE HE WILL. And for the House GOP leadership, that's precisely the problem. If Hastert can't defeat Norwood-Dingell on the floor, he will have to try another stunt—perhaps appointing opponents of the measure to the House-Senate conference committee in order to make sure key elements of the House version don't make it into the reconciled bill. Hastert used the same trick on HMO reform in 1999. But this time the political price could be steeper: Given Bush's close ties to business, and considering the public's hostility toward insurance companies, Democrats would love nothing more than to run against the party that stymied HMO reform yet again. "From our perspective," says a leading Democratic campaign operative, "that would be great."

The implications of killing campaign finance reform are more ambiguous: A spokesman for the National Republican Campaign Committee calls it "a non-factor" in House races, and even the Democrat strategist says, "I don't think it's critical." But reformers argue that opposition to the McCain-Feingold soft money ban (the Senate version of Shays-Meehan) cost at least a few Republican senators their jobs in 2000. And by forcing many vulnerable House Republican freshmen effectively to vote against Shays-Meehan, Hastert has virtually ensured that they won't have McCain's public support for their reelection campaigns—something many of them enjoyed in 2000.

Indeed, Hastert's humiliation recalls another memorable defeat of a House rule: August 1994, when nervous Democrats sided with the Republican minority against a Clinton

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Do American Students Study Enough?

Herbert J. Walberg is University Scholar, University of Illinois at Chicago; distinguished visiting fellow, Hoover nstitution; and member, oover's Koret Task Force on K–12 Education.

Americans spend more on schooling students than nearly all other affluent countries. Yet our students make the fewest gains in reading, mathematics, and science. Although they score about average on tests in the early grades, they come in last in high school. **How can the most productive country on the planet have the least productive schools?**

In 1983, the National Commission on Excellence in Education reported what it considered the chief reason. This distinguished group of citizens pointed out the negative effects of the short U.S. school year of 180 days compared to 190 to 210 days in Europe and 240 in Japan. Because of the commission's report, *A Nation at Risk,* legislators increased spending on schools, and educators carried out many reforms. Achievement, however, remained stagnant during subsequent years. Recent international surveys show that U.S. students continue to make the least progress and that the U.S. still has the shortest school year.

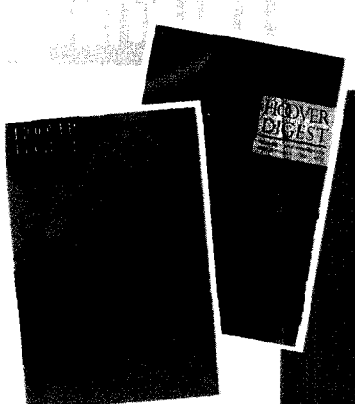
The number of days in the school year, however, tells only part of the story. I analyzed thirty-three psychological studies that compared U.S. students' use of time with that of students in Korea, China, Hong Kong, and Taiwan—countries that top the achievement charts. Those students went to school more days per year (including partial days on Saturdays), had a longer school day, typically attended private tutoring schools, and did more homework for both their regular and their tutoring schools. Within and outside school, Chinese students averaged twice the total study time of U.S. students; Korean students put in 83 percent more study time.

After immigrating to the United States, many Asian students continue private after-school lessons and prodigious study time—a reason for their breathtaking achievements in school mathematics and science and later in university engineering, science, medicine, and other challenging fields despite severe economic and language handicaps. The comparative studies offered other time-related comparisons. During their short summer vacations, for example, many Korean students study English, computers, and martial arts. **What do U.S. students do with their substantial nonstudy time?** Comparisons with Chinese students suggest they spend twice as much time playing and much more time watching television. Yet a national survey of American high school students showed that three-fourths believed that tougher examinations and graduation requirements would lead students to study harder, longer, and more effectively.

Our national difficulty is following the obvious implications of consistent research findings, common sense, and what students know. Educators have yet to increase the length of the school year. Nor have they established high standards that would induce our students to study harder.

— Herbert J. Walberg

Paid for by the Hoover Institution, Stanford University.



Interested in more commentary on public policy?

Visit us on-line at **www.hoover.org** *or contact us to receive a complimentary copy of the 200-page, award-winning* **Hoover Digest.**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

crime bill, foreshadowing the end of the longstanding Democratic House majority. President Clinton, of course, responded by moving to the center and triangulating between the GOP and his own party in Congress. The lesson has not been lost on the Bushies. When W. wanted to underscore his "compassionate conservatism" during the campaign, he bashed the House GOP for trying to "balance the budget on the backs of the poor." Now that his centrist credentials are back in question, he may again be preparing to use House Republicans as ideological foils—dispatching them to gum up the works, then accusing them of ideological intransigence. "[Hastert] is not someone who wants to kill things," insists his spokesman, John Feehery. "He wants to get things done." Maybe. But it's becoming increasingly clear that, in this White House, what Hastert wants doesn't really matter. ■

NOW's strange taste in TV.

Boob Tube

By Amanda Fazzone

Just about everything you need to know about the life and loves of Felicity Porter, a New York City college student played by Keri Russell on The WB's "Felicity," took place in the show's pilot three years ago. In the pilot, Felicity followed her high school crush to college in the big city. And, three years later, she is still twisting her life around every Wednesday night for the same guy. Elucidates the show's website: "She scrapped . . . everything she thought her life would be—all for a guy with a great smile. Well, wouldn't you?"

Evidently the National Organization for Women's answer is yes. Last month, in its "Feminist Primetime Report Update" (the successor to last year's "Feminist Primetime Report"), it ranked "Felicity" as the third-most-feminist of the 59 shows it surveyed, giving it the "NOW Recommends" seal of approval. NOW rated prime-time programs on UPN and The WB, and new prime-time shows on the other four major networks, for gender composition/diversity (the more women and girls, the better!), violence, sexual exploitation, and social responsibility. The shows that did best were those, like "Felicity," that feature heroines whom NOW called "intelligent," "well-rounded," and able to "break out of the sex object role and portray authentic people." Which would be fine, except that many of the characters NOW praises don't break out of the sex object role at all; they bask in it. If heroines like Felicity are empowered, it's only because they've decided that what really drives female power is sex. Specifically, the power of very attractive, very young women to attract just about any man they want. True, that is power of a sort—just not the sort you'd expect NOW to applaud.

Take "Buffy, the Vampire Slayer," among the shows "NOW Recommends." Starring blond bombshell Sarah Michelle Gellar as a vampire-slaying college coed, "Buffy" receives feminist kudos for depicting a take-charge woman who kicks butts of both genders. But the constant barrage of "Buffy" promo photos featuring the cleavage of a braless and tumescent Gellar makes it difficult to divorce the ass-kicking from the tits and ass. The same goes for "Dawson's Creek," which makes NOW's list of the ten shows with the least sexual exploitation. But when the show first aired in 1998, even generally lenient TV reviewers were struck that, as the *Los Angeles Times*' Howard Rosenberg put it, "the minors are anatomically fixated, and some of their elders just as genitalia-minded." In the show's pilot, we learn that, as Rosenberg recounts, star Jen "lost her virginity at 12 and went on to 'sleep with half of New York City.'"

Moreover, it's clear that these female leads are being marketed outside their time slots not for their smarts and self-confidence but for their sex appeal. That's why Gellar is selling makeup for Maybelline—that is, when she's not playing silver-screen temptresses in *Cruel Intentions*, *I Know What You Did Last Summer*, and *Simply Irresistible*. It's why Jessica Biel—star of The WB's "7th Heaven," which NOW ranked ninth—posed topless in the March 2000 issue of *Gear* magazine. Alexis Bledel, who plays the character NOW dubs the "intelligent daughter" in its top pick, "Gilmore Girls," is heralded on the show's website for having "already spent years in front of the camera as a model." And the website for "Charmed," which NOW ranked high for its gender composition, is hyping a new cast member, Rose McGowan, "who catapulted to stardom as a sexy victim in *Scream*." In an era of synchronicity, it is clear what these pretty packages are selling, and now they have NOW's endorsement.

Indeed, a trip to the message boards of these programs' websites makes it clear that, if NOW thinks these teen-goddess shows smack of feminism, their fans see things rather differently. Here are some recent snippets from chat among girls on the site for "Dawson's Creek": "Well I am NOT a lesbian or nothing but personally I think Joey is the prettiest. I so envy her!!" and "Joey is cute, but the sexy one is Jen, she has more attitude." In fact, when Felicity chopped off her trademark tresses, her show's ratings plummeted. Reported a WB spokesman, "When she cut her hair, [women] basically said, 'I don't want to be that person; it ruins the illusion for me.'" But not to fear, ratings grew again, along with actress Russell's locks. "It's grown out," averred Susanne Daniels, The WB's entertainment president, last year. "[S]he looks fabulous . . . the hair crisis has passed." Just to be on the safe side, actresses on NOW's number-one show will not be making the same mistake. Says creator Amy Sherman-Palladino: "No one on 'Gilmore Girls' will cut their hair, ever."

To be fair, NOW didn't have much to choose from. Numerous teen shows like "My So-Called Life," "The Wonder Years," "Party of Five," and "The Facts of Life" have proved that teen girls need not slay vampires—or be vampy—to handle difficult life situations or to feel empowered. Unfortunately, they've all been canceled. And most of what's on the air has little feminist redeeming value—or any

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

other sort of value, for that matter. "WWF Smackdown!," for instance, in which breast implants are virtually a requirement for female participation, ranked appropriately poorly. But there is at least one female star who attracts viewers for her smart mouth rather than for her large breasts—Anne Robinson, the surly, whip-smart host of NBC's new hit "Weakest Link." You'd think that NOW—having complained in last year's report about "male-centered" game shows—would be flush with praise. You'd be wrong. NOW's latest report bashes the show "for its host's nasty demeanor." It adds that Robinson "struck feminist analysts as both a harsh stereotype and a tough ground breaker." Of course, any aggressive, opinionated female host is likely to take flak for not being softer or sexier. But you wouldn't expect it to come from NOW. Perhaps she should grow out her hair. ■

Bangkok Dispatch

Royal Flush

By JOSHUA KURLANTZICK

BANGKOK IS HOME to some of the world's loudest movie theaters, complete with booming digital sound, screaming teenagers, and trilling cell phones. But for two minutes before every film, when the royal anthem plays, the entire theater falls silent. Teens pipe down. Locals scold foreign tourists who fail to stand—telling in a country that prizes conflict avoidance. Cell phones are shut off (only to be turned back on when the film starts).

This isn't reverence for tradition. Thailand's king, Bhumibol Adulyadej, has inspired it the new way: He earned it. The world's longest-reigning monarch—he has held the throne since 1946—Bhumibol has skillfully united his countrymen, preventing several military coups from spiraling into national bloodbaths and pushing for political liberalization. And Bhumibol's example hasn't gone unnoticed. A coterie of Asian royals—some citing Bhumibol as a model—are plunging into politics, refusing to go the way of their neutered European brethren. A reactionary threat to Asia's fledgling democracies? Actually, no. It's the transition to democracy itself that has given these monarchs a new lease on life.

Under the authoritarian governments that dominated Asia during the cold war, many monarchs played a largely ceremonial role. But the democratic transitions of recent years, in particular those prompted by the financial crisis of the late '90s, have exposed latent ethnic divisions and rampant corruption—creating the need for a unifying, respected national figure who can maintain stability and keep new leaders honest.

Enter the monarchs. In 1997, as Thailand's economy crashed, Bhumibol scolded his country's leaders for having borrowed so heavily from abroad, and pushed the debt-ridden agricultural sector to adopt more economically and environmentally sustainable farming practices. In Indonesia, Sultan Hamengku Buwono X, a descendant of Javanese royals, helped topple the Suharto dictatorship by holding anti-government demonstrations in his palace. After Suharto fell in 1998, Hamengku was elected governor of Yogyakarta, a politically important province where he has revamped the civil service and cracked down on corruption. Now he's even mentioned as a potential presidential candidate. In Laos, the thirtysomething exiled Crown Prince Soulivong Savang, who works in a car factory in France, has traveled the globe whipping up outrage against the country's Communist rulers and suggesting that a liberal-minded monarch could unify the country's ethnic groups.

In South and Central Asia, the story is much the same. Bhutan's king, Jigme Singye Wangchuck, has propelled his isolated Himalayan nation, which 30 years ago had no telephones, into the modern era: Jigme has pushed his compatriots to embrace the Internet, install Asia's most advanced telephone network, and adopt an income tax, which he hopes will boost Bhutan's economy. Because of his modernizing influence, Bhutan's gross domestic product has nearly quadrupled in the past decade, and Jigme has earned the nickname "His Majesty, Light of Cyber Age."

SUCH ROYAL HELP is sorely needed. The traumatic financial crises of recent years—while toppling dictators like Suharto—have also given rise to a generation of populist/nationalist leaders like Thailand's Thaksin Shinawatra and Japan's Junichiro Koizumi, who seem inclined to try to solve their nation's problems at their neighbors' expense. Both men have pursued confrontational policies—high tariffs, protections for domestic industries, and, in Koizumi's case, even a potential military buildup. The monarchs serve as useful counterweights. In Cambodia, for instance, King Sihanouk has taken a more conciliatory stance than Prime Minister Hun Sen toward important neighbors like China, as well as toward the United Nations and the West (which are seeking an international tribunal on Khmer Rouge genocide).

What's more, in divided, weak democracies like Cambodia, monarchs act as what Barbara Crossette, *The New York Times*' chronicler of Asian dynasties, calls "national anchors." Last year Sihanouk publicly warned Hun Sen to stop harassing opposition leader Sam Rainsy. Bhumibol has criticized Thailand's notoriously cronyist pols for corruption and for neglecting essential public services. And, in Nepal, King Birendra—recently gunned down by his son—was probably the only leader who inspired the joint respect of elected politicians, ordinary people, and the country's Maoist insurgents.

Some Asian monarchs, of course, are better than others. Jigme has thrown dissenters in prison; the sultan of Brunei and his brother have wasted billions of their nation's oil dollars. Still, many have proved surprisingly supportive of political liberalization. In fact, by offering a check against the corruption and divisiveness of many fledgling democratic governments, the monarchs actually make it more likely that democracy will survive and that monarchy will

JOSHUA KURLANTZICK covers international economics and trade for *U.S. News & World Report*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

become a purely ceremonial institution. And, considering that many newly elected Asian leaders seem prone to authoritarian backsliding themselves, that's all the more impressive. In Thailand, for instance, newly chosen Prime Minister Thaksin Shinawatra has sacked the central bank chief for disagreeing with him, has eviscerated the country's broadcast media, and has tried to undercut the federal court system. No wonder no one turns off his cell phone when Thaksin's face appears on the screen. ■

The President v. Medicare, Part I.

Tax and Steal

By JONATHAN CHAIT

IT HAS HAPPENED with the brutal logic of film noir: The protagonist's early mistake puts him in a tight spot. He escapes, but only by plunging into a deeper deception. His escalating series of lies and crimes cut off, one by one, any path to deliverance until, finally, he is caught.

Our story begins in June, when George W. Bush signed his name to a tax cut filled with gimmicks that sneakily disguised its true cost. It was not long, however, before the Bushies realized that they had sucked away so much federal revenue that, in 2002, the government wouldn't be able to fund itself without tapping the Medicare surplus. That would have required Republicans to break their pledge to safeguard the Medicare lockbox—in an election year, no less! So clever minds at the White House came up with a further accounting gimmick: taking $33 billion in corporate tax revenues from 2001 and transferring them to the 2002 budget. That took care of the election-year problem.

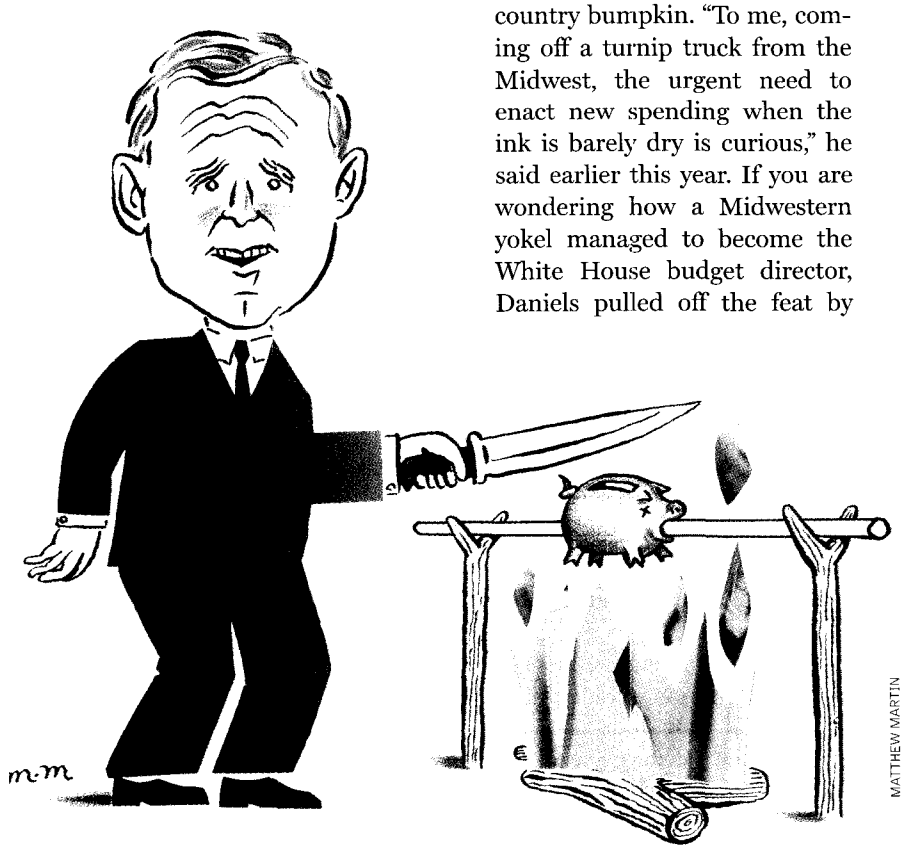
But, as in any good noir, the apparent reprieve was only temporary. In late June, with the economy slowing, the projected surplus for 2001 dropped by some $50 billion. Suddenly, the gimmick of shifting money out of 2001, which had seemed a perfect ruse just a few weeks before, became the instrument of a still deeper dilemma. The White House had maneuvered itself into a corner: It was going to have to tap the Medicare surplus. *This year.*

Before Bush took office, the two parties had reached a rough consensus on debt reduction: The portion of the surplus that derives from general tax revenues could be used for tax cuts or new spending—generally with Republicans preferring the former and Democrats preferring the latter. But the portion that derives from excesses in the Social Security or Medicare hospital trust funds would be placed in a "lockbox," meaning it could only go toward paying off the national debt. Indeed, earlier this year every GOP senator agreed to a resolution stating that "Social Security and Medicare hospital insurance surpluses should be used to reduce the debt held by the public until legislation is enacted that reforms Social Security and Medicare."

Cordoning off the Social Security and Medicare surpluses, while somewhat arbitrary, makes sense. For one thing, the reason the trust funds run surpluses now is to prepare for the deficits they will inevitably run in the future, when the baby-boomers retire. Spending those surpluses on other programs would subvert the whole point. Second, politicians need some artificial device to counteract their natural tendency to shovel out surpluses through vote-buying tax cuts and spending programs. The lockboxes are the best mechanism to force politicians to do the responsible thing and pay down the national debt before the demographic crisis hits.

From the White House's perspective, though, the lockboxes have been a source of near-endless exasperation. This administration, needless to say, values tax cuts above all else, and any money that's locked away for debt reduction is not available for tax cuts. Keeping the government in debt also makes it politically easier to cut spending and privatize social insurance programs. So, even before Bush took office, his economic advisers began looking for ways to justify breaking into the lockboxes. Now, with larceny imminent, the rationalizing has grown urgent.

The man Bush has deputized to explain this state of affairs to the American public is Mitchell G. Daniels, director of the Office of Management and Budget. One of Daniels's favorite techniques is to preface his views on macroeconomic policy by pointing out that he is a country bumpkin. "To me, coming off a turnip truck from the Midwest, the urgent need to enact new spending when the ink is barely dry is curious," he said earlier this year. If you are wondering how a Midwestern yokel managed to become the White House budget director, Daniels pulled off the feat by



MATTHEW MARTIN

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

spending most of his adult life brilliantly imitating a member of the East Coast elite. After obtaining degrees from Princeton and Georgetown Universities, he worked as a Capitol Hill staffer, a White House appointee under Reagan, executive director of the National Republican Senatorial Committee, and president and CEO of the Hudson Institute, a conservative think tank. Then he amassed $30 million as a pharmaceutical executive. Nonetheless, Daniels has not forgotten the simple values of the heartland. "Out here in Indiana," he admonished Sam Donaldson last week, "people are concerned about jobs and income prospects, not bookkeeping entries."

Daniels says we should forget about saving the Medicare surplus—it's one of those "bookkeeping entries" that plainspoken Midwesterners dismiss—in order to help us out of the economic downturn. And, indeed, Keynesian economic theory does suggest that, when the economy slows, the government should put money into the hands of consumers through tax cuts and spending. But Daniels applies this theory only when it suits him: Although the same economic theory argues for spending increases, Daniels wants spending cuts. And Keynesianism recommends only a *temporary* fiscal stimulus during a recession. Daniels doesn't just want to bust the Medicare lockbox this year. He wants to do so *every* year. And he has laid the groundwork to do so with a series of clever existential arguments, each more tendentious than the last.

First, Daniels claims that using the Medicare surplus for debt reduction is impossible because the Social Security surplus alone is enough to pay off all the national debt that can possibly be reduced. The White House has been peddling this line since February. It's wrong for a number of technical reasons. It misleadingly plays down the amount of debt that can be redeemed and exaggerates the amount of surplus available—because, instead of using the whole Social Security surplus for debt reduction, the Bushies want to divert several hundred billion for private Social Security accounts. It also ignores the fact that the Social Security and Medicare surpluses could still be saved even if all the redeemable debt was gone: In that happy eventuality, they would simply be invested, just like other government pension funds.

Second, Daniels maintains that "Medicare is not in surplus." This is technically true but intentionally misleading. Medicare is made up of two parts. The part funded by payroll taxes (which pays for hospital insurance) runs a surplus; the part funded by general revenues (which pays for doctor visits) runs a deficit. When politicians refer to the Medicare "surplus" or "trust fund," they always—and necessarily—are talking about the former. For all his efforts, Daniels cannot make it disappear through semantic legerdemain.

In making his case for borrowing from Medicare, Daniels is careful to contrast its status with that of Social Security, whose lockbox he intends, at least for the moment, to leave intact. The Social Security surplus, he told ABC News, "is a true surplus, unlike Medicare." But this is a distinction without a difference: Daniels's arguments subvert the notion of using *either* surplus for debt reduction. He derides the Medicare and Social Security surpluses as "nothing but a pile of IOUs." Yes, it's true that the trust funds consist of nothing but pieces of paper promising that the government will pay them back. But, as Daniels presumably learned at Princeton, those pieces of paper are also known as Treasury bonds. If they are as worthless as Daniels suggests, the bond market is in for a big surprise.

Indeed, at times Daniels implies that he opposes *any* reduction in the national debt. "The implication of some sides to this debate is that instead of sharing some of the surplus with the taxpayers at large . . . we should have sent it to bondholders instead," he stated last week. "Who are these people, incidentally? It's interesting to me. Thirty-six percent are foreign banks and foreign holders. Of the Americans who hold these funds, these bonds, the famous top one percent [own] forty-three percent."

This argument is so stupefying that even addressing it is intellectually demeaning. Daniels repeatedly characterizes paying down the debt as essentially giving money to bondholders, and other Republicans have started to echo the line. What he neglects to mention is that this is money the government owes them, and until it's paid back, the government—and that means we taxpayers—has to pay interest on it. Paying people back the money you owe them is not some sort of gift. Hopefully, Daniels knows this and is just cynically grasping for an argument, any argument, to justify busting the Medicare lockbox. Or maybe he really did fall off a turnip truck. ■

The President v. Medicare, Part II.

Second Opinion

By Jonathan Cohn

When President Bush outlined his principles for Medicare reform at the White House last week, he brought along four local senior citizens, each with a sad story about the cost of care. Introducing Frank Van der Linden, Bush explained that the retired newspaper reporter is "being squeezed behind Medicare premiums and drug costs." Bobby Cherry, a coordinator at the Florida Avenue Baptist Church, "pays close to forty percent of his income for prescription drugs and Medicare co-payments." Gwendolyn Black "spends $2,400 a year to put four healing drops a day into each of her eyes"; and Cuyler Taylor fares still worse, with a bill for drugs and extra insurance that runs to more than $10,000 per year.

To these four, and to the millions of other elderly Americans struggling to pay their medical bills, Bush promised relief. Specifically, he proposed to reform Medicare by encouraging greater competition between the traditional Medicare program and private HMOs. "The plans will compete with each other," said the president, "forcing [them] to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

offer better service, extra benefits, and lower premiums.... Medicare will respond better to the needs of seniors, and especially low-income seniors and seniors with high medical bills. And Medicare will be put on sound financial footing." In other words, Bush's plan would give seniors better, more reliable health care—all for less money.

It's a lovely idea in theory. But as Katherine DeLucca, an 83-year-old widow from Suffolk County, Long Island, can tell you, it probably won't work. A few years ago, DeLucca—whose daily heart medications cost several thousand dollars per year—did exactly what Bush is proposing more seniors do: She signed up with a private HMO. But, earlier this year, it abruptly decided to stop serving customers in Suffolk County. (Company representatives told DeLucca the government wasn't reimbursing the HMO enough.) The cancellation left DeLucca scrambling for coverage, paying substantial out-of-pocket bills for her medications until she found her way back into a state-run subsidy program.

DeLucca's story is common. In 1997 Congress created Medicare+Choice—an experimental program that was supposed to encourage more competition among private health insurance plans within Medicare. It was, in effect, a trial run of the grand vision Bush laid out last week. And it has failed miserably. In the last three years, more than 100 private HMOs have pulled out of Medicare, leaving some 1.6 million beneficiaries—or about one-quarter of those who enrolled in such programs—struggling to find alternative coverage. Meanwhile, the HMOs that remain in the program have been raising premiums and reducing benefits, making them a far less attractive alternative to traditional Medicare. As Marsha Gold, a senior fellow at Mathematica Policy Research, writes in the most recent issue of *Health Affairs*, "By almost any measure, the interim grade for the Medicare+Choice program as of the start of 2001 must be judged a 'D' if not an 'F.'"

This doesn't mean that changing Medicare from a universal, government-run program to one in which private plans compete for customers is inherently unworkable. What it does mean is that, contrary to many proponents' promises, private plans can't offer more care for less money. If Bush is determined to institute competition as a way of restraining costs, retirees will get inferior care. Honest advocates of competition admit this. Too bad the president isn't one of them.

FOR ALL ITS flaws, Medicare remains one of the government's most successful programs. Prior to 1965 most senior citizens could not afford health insurance because it wasn't profitable for insurance companies to provide it on their own. Today, almost every senior citizen in America has Medicare Part A, which covers hospital bills. And roughly 95 percent sign up for Part B, which covers doctor visits and other outpatient treatment.

But Medicare has never been quite enough, either. For one thing, it doesn't provide "catastrophic" coverage: When the bills exceed a certain level, it stops paying, which means an expensive accident or illness can bankrupt many senior citizens. Worse, Medicare hasn't kept pace with medical advances over the past 35 years. To take the most well-known example, Medicare does not generally cover prescription drugs, even though prescriptions are now as essential to many seniors as, say, heart bypass surgery or kidney dialysis. Although many retirees purchase supplemental Medigap packages to fill some of these holes, Medigap is expensive and not always available to people with the worst medical conditions—who, naturally, need it most. And, while the government subsidizes supplemental insurance for the very poor, a great many people get caught in the middle—too rich to qualify for government subsidies, too poor to afford Medigap. This is one reason the elderly spend, on average, 22 percent of their income on health care, according to the Kaiser Family Foundation.

It was in part to rectify these problems that the government first started allowing HMOs to sign up Medicare beneficiaries in the 1980s. The government would take the money it would normally spend insuring you through Medicare and give it (minus a small discount) to your HMO instead. HMO coverage had all the drawbacks generally associated with managed care: limits on what doctors you could see, prior-approval requirements for certain treatments. But because the government subsidies were actually more than the HMOs needed to cover their elderly beneficiaries—in theory because private insurance companies were so much more efficient than the old, creaky government bureaucracy—HMOs were able to offer important extras, like prescription-drug coverage, at no extra cost. Not surprisingly, enrollment in Medicare HMOs increased gradually and then exploded as prescription-drug prices skyrocketed: Between 1991 and 1997, enrollment in Medicare HMOs increased nearly fivefold, to more than 5 million people.

THIS GOT CONGRESS'S attention—and not merely because the HMOs were a convenient way to get seniors the extra benefits they needed. Medical costs were rising, and the impending retirement of the baby-boom generation was expected to overwhelm Medicare's already shaky finances. HMOs seemed to promise salvation. Just as they had dramatically reduced private-sector spending over the previous few years, they would presumably do the same for Medicare—if only Congress eased some of the restrictions limiting their involvement. So in 1997 Congress did just that. As part of the 1997 Balanced Budget Act, it created the Medicare+Choice program in an effort to dramatically increase the role of HMOs in Medicare. Conservatives hailed the program because it offered a free-market alternative to big government; liberals went along, imagining that it was a good way to expand access to prescription drugs and cut down on seniors' out-of-pocket medical expenses. Seniors seemed happy for the opportunity to buy cheap benefits, and the health insurance industry blessed the deal as well. "We are particularly pleased," Karen Ignagni, president of the American Association of Health Plans, said at the time, "that this historic budget agreement will expand beneficiary choices and promote competition within the Medicare system."

But the enthusiasm was short-lived. Nancy-Ann DeParle, then Medicare's director, says she caught the first whiff of a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ROBERT NEUBECKER

problem a year later, when she went to speak at a conference of health insurance executives. After her speech, the executives importuned her from the audience, saying they were losing money hand over fist. The government was none too eager to give them more money—the whole point of getting more seniors into HMOs, after all, had been to hold down spending. And so, within a few months, the pullouts started. Today, many rural areas and outlying suburbs have no Medicare HMOs at all. Cities such as Washington, D.C., and Houston have just one each—and the one in Houston isn't accepting new members. In July 1999 Ignagni declared that Medicare+Choice was "definitely in a free fall."

What happened? To some extent, the health care market just sorted itself out. From the late '80s to the mid-'90s, managed care was extraordinarily successful at holding down the cost of medicine because it had all the market power. If an HMO wanted to cut its rate, a doctor or hospital had little choice but to go along and eat the loss, because refusing meant losing the HMO's business. The alternative was bankruptcy, as the more stubborn providers learned. But, as Gold notes in her *Health Affairs* paper, by the mid-'90s, doctors and hospitals were pushing back; those who had survived the shakeout merged into big groups that had their own bargaining clout. Suddenly, the insurance companies couldn't threaten simply to walk away from negotiations, because doing so might cut off access to a popular group of physicians or to a prestigious hospital. The price of medicine, which HMOs had hammered down so low, started to climb back up.

Even as this was happening, the HMOs got squeezed from the other side of the financial ledger. The money the government paid them for each enrollee was based, in large part, on the amount the government spent to cover people in the traditional, fee-for-service part of the program. But in the Balanced Budget Act—the very same legislation that created Medicare+Choice—the government slashed payments in the fee-for-service program on the theory that the government program itself had become too generous. While this extended Medicare's solvency (now estimated to last until 2029), it meant cutting payments not only to health care providers but to Medicare HMOs as well. "This point often gets lost in the debate about what caused the problems of Medicare+Choice," DeParle writes in a new, still-unpublished paper, "but the fact is that the central goal of the [Balanced Budget Act] was to reduce Medicare spending."

The final blow was regulation. At the same time the federal government was cutting its Medicare funding generally, it also started applying something called "risk adjustment" to the HMOs. Risk adjustment is a way of making sure plans don't get punished financially for taking on sicker beneficiaries—or get rewarded for keeping them out. Under the new regulations, the federal government adjusted fees to each HMO based on the relative health of its beneficiaries: If one particular HMO attracted, say, a lot of patients receiving expensive late-stage cancer treatments, the HMO would be paid extra for shouldering that burden.

The insurance industry complained about these changes—noting, correctly, that planned funding increases in 1998 and 1999 never materialized. But that merely pointed to the flaw in the program's premise: The HMOs weren't really as efficient as everybody had assumed. Apparently the HMOs had been able to provide all those additional services that lured seniors—catastrophic coverage, the drug benefit—largely because their fees were based on the overinflated prices of the old fee-for-service system and because they tended to enroll healthier people. (This was partly thanks to gimmicks such as holding presentations in second-floor offices—i.e., with no wheelchair access.) Once the government became more cost-conscious about reimbursements and started adjusting for enrollees' health, the profit margins the HMOs had counted on to provide extra benefits disappeared.

HMO lobbyists disagree heartily with that analysis, but two separate government investigations came to essentially the same conclusion: Traditional, big-government Medicare is actually as good as private HMOs, and maybe even a little better, at cost control. Which, strange though it may sound, actually makes sense when you consider the idiosyncratic economics of health insurance. Competing private-sector plans have the power to negotiate lower payment rates by playing groups of hospitals or doctors against one another and shopping for the best price. But, as the government

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

proved in 1997, it can drive down rates too—just by setting them lower. (This is tough on the health care providers, but it is an effective way to balance the federal budget.) And while government doesn't second-guess referrals or treatment decisions the way HMOs do, it has much lower costs: It doesn't advertise, it takes care of a huge population with a relatively small administrative staff, and, of course, it doesn't have to pay stockholders.

None of which is to say that Medicare competition necessarily means poor health care. Some of the proposals in Bush's Medicare vision—as sketched out in a policy paper released the same day as his speech—sound awfully good. For one thing, he promised to subsidize prescription-drug coverage for the poor, regardless of whether they stay in regular Medicare or choose a private plan. The president also vowed to provide all Medicare recipients with catastrophic coverage, thereby rectifying one of the program's great shortcomings and reducing the need for beneficiaries to supplement the traditional program in the first place.

But all this would cost *more* money, not less. The lesson of Medicare+Choice is that, in order to provide the same level of care to the same number of beneficiaries, Medicare with competition from HMOs needs just as much money as Medicare without competition from HMOs. No matter how the program is structured, it's still going to take extra cash just to maintain current levels of service when the baby-boomers retire—to say nothing of subsidizing new catastrophic coverage or prescription coverage for the poor. Moreover, a competition plan must be heavily regulated to ensure that HMOs don't cherry-pick the healthiest seniors. And, to the extent healthier seniors naturally gravitate toward managed care, the government needs to redistribute funds to make sure that the sicker population remaining in traditional Medicare doesn't encounter higher premiums and reduced benefits.

Is Bush prepared to pay extra to make Medicare competition work? Don't bet on it. He's already raided the Medicare Part A trust fund to pay for his tax cut, hastening its date of insolvency (see "Tax and Steal," by Jonathan Chait, page 18). As for regulation, Thomas Scully, the Bush appointee who now oversees Medicare, recently told an audience at the U.S. Chamber of Commerce that Bush intends to *reduce* regulation of health insurance companies because "they are not the enemy." That means the president's competition scheme would likely turn out exactly as its harshest critics predict: It would spend less money on the basic services retirees now receive, quite possibly leaving the sickest with a choice between affordable but meager health care or spending much of their income on more generous coverage. Medicare's social insurance mission—to pool society's resources in order to insulate every retiree from the risk of high medical bills—would be imperiled.

Some say this is acceptable, even essential to the nation's future fiscal health, given the massive demands the baby-boom generation will place on America's resources. Indeed, honest proponents of competition—including some liberals—openly aim to make cuts in health care spending for the elderly more politically viable by transferring more financial risk to individual retirees, while maintaining Medicare as a minimal safety net. Is this the right goal? Maybe; maybe not. What's beyond question, however, is that such belt-tightening is the opposite of what Bush is proposing. His plan promises more care (catastrophic coverage! drug subsidies!) for less money, and it doesn't even require preserving the Medicare surplus. If it sounds fantastic, that's because it's a fantasy. ■

The most powerful Bushie you've never heard of.

The Insider

By Ryan Lizza

Hanging on the wall in Ed Gillespie's downtown Washington office is the original, poster-sized advertisement for the Contract With America. "A campaign promise is one thing," it reads, "a signed contract is quite another." Gillespie took this very poster to the focus groups that helped him devise the Contract's marketing strategy; later, it was the model for the ad that ran in *TV Guide* the week before the 1994 election. If you look closely you can see the signatures of Newt Gingrich, Haley Barbour, and Bill Paxon—leaders of a bygone Republican age.

Next to the ad hangs a more recent political artifact: a large, round, translucent seal that served as the official insignia of George W. Bush's Presidential Inaugural Committee, for which Gillespie served as spokesman. Bush's communications staff presented the seal to Gillespie following the president's inauguration.

The distance between these two memorabilia is a political eternity—a burned-out Republican revolution, a Democratic resurgence, the resignation of a House speaker and speaker-designate, the impeachment of a president, and, finally, the contested election of a presidential son who promised a Republican Party utterly different from the one that collapsed after 1994. But the proximity of the two artifacts on Gillespie's wall serves as a reminder that, in fact, the GOP establishment of W.'s Washington is very much the GOP establishment of Newt's Washington. George W. Bush's great political success has been to convince Americans that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

his "compassionate conservatism" represents a break from the radicalism of the Gingrich era. Were that really true, however, Ed Gillespie could not possibly wield the power he wields today. Indeed, it was Gillespie—salesman for the Contract, protégé of Barbour, and the House staffer widely credited with Dick Armey's rise to power—who was responsible for nightly programming at last summer's GOP convention, that weeklong exercise in separating Bush from his Republican forebears. While Gillespie banished veteran revolutionaries such as Armey from the lineup of speakers, he literally tossed back beers with them after the show was over. Put another way: The most important operative you never heard of during the Gingrich revolution is also the most important operative you've never heard of in the Bush presidency.

LAST SEPTEMBER, WHEN Gillespie appeared on CNN's "Crossfire," liberal pundit Bill Press greeted him with a wry question: "Ed, we see you here in the studio [in Washington], then we see you in Philadelphia, now we see you in Austin. Do you have a hard time holding down one job, Ed?" It was true: Early in the Bush campaign, Gillespie worked as an unpaid strategist from his perch as head of a small Washington lobbying firm. In June he took the number-two job (under Andy Card, now Bush's chief of staff) running Bush's Philadelphia convention. By his "Crossfire" appearance three months later, Gillespie had moved to Austin full-time to help Bush recover from a late-summer slump. And it didn't stop there. In November Gillespie was in Florida, coordinating the Republicans' strategy and message for the Miami-Dade recount. In January he was chief spokesman for the inaugural committee; in February he served as an adviser to new Commerce Secretary Don Evans.

In February he left the administration to return to the one-year-old, phenomenally successful lobbying firm he founded with Democrat Jack Quinn. But, if anything, his clout with the White House grew. The next month Gillespie assembled a coalition of corporations to back the president's education plan. In June he convinced the administration to abandon its free-market principles and to adopt a series of protectionist measures for the steel industry, one of his firm's clients. And, last week, he bought $100,000 worth of TV time for ads pushing the Bush energy plan. "He just pops up everywhere," observes Gary Ruskin of the Congressional Accountability Project.

But if it's taken the Bush presidency for Gillespie to assume the title of Top Washington Fixer at the tender age of 39, his gradual ascent took place mostly on Capitol Hill, where he spent more than a decade as a top aide to Armey, beginning in 1985. "Armey had the really cool staff, not Gingrich," says a top conservative activist. "And Gillespie was part of that." Indeed, numerous sources credit Gillespie with a crucial role in Armey's transformation from obscure backbencher to majority leader. In 1987, as part of a campaign to cut government waste, Armey began pushing a controversial plan to close more than 100 underutilized military bases across the country. It was a task for which Armey was almost uniquely unsuited—he was an unknown two-term congressman, he hadn't served in the military, and he did not even sit on the relevant committee. But Gillespie changed all that with a dazzlingly successful public relations campaign that foreshadowed the kind that dominate policy debates today.

He started by writing an op-ed with Armey and sending it to Barry Goldwater, conservative icon and former chairman of the Senate Armed Services Committee, who immediately agreed to add his name. (Asked by Gillespie if he had any edits, Goldwater barked back into the phone, "Don't change a damn word of it.") On May 7, 1987, the op-ed appeared in *The Washington Post* and then, through the *Post*'s syndicate,

ROB BARBONI

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in smaller papers around the country. Prompted by phone calls from Gillespie, editorial boards at the hometown newspapers of wavering Armed Services Committee members followed with their own editorials urging passage of the plan. Armey personally showed the editorials to nervous congressmen as proof that the base-closings were popular in their districts. Gillespie also succeeded in getting talk radio, the networks, and the major dailies interested in the subject. The media campaign was so successful in spurring Congress to act that, at one point, Representative Pat Schroeder, a leading member of the Armed Services Committee, complained on the House floor that Congress was letting the press stampede it into passing the legislation.

Armey's plan became law in 1988, and it vaulted the congressman from obscurity. "The thing that made Dick Armey's career was his successful selling of the original base-closing law," says a former *Roll Call* reporter who covered the bill. "Ed was the one who really put together a concerted marketing campaign to make that idea happen.... Before that, Armey was just a backbencher."

A FEW YEARS later, in 1992, Armey used his reputation as an anti-big-government crusader to overthrow the more moderate Jerry Lewis as chairman of the House Republican Conference in a race that would prove a harbinger of the Gingrichian takeover of the congressional GOP. With Gillespie's help, Armey defeated Lewis by four votes; immediately, Gillespie and his fellow operatives set about turning the Conference from a backwater largely concerned with hosting weekly coffees and organizing committee assignments into a campaign-style communications nerve center for the Republican effort to retake Congress. "They changed it from the role it had traditionally played under [Jack] Kemp and Lewis and others into a very aggressive communications operation," says one former senior House Republican leadership aide. Heading into the 1994 elections, Gillespie became a principal architect of the Contract With America, even authoring the titles of the ten pieces of Contract legislation—"The American Dream Restoration Act," "The Family Reinforcement Act," "The Taking Back Our Streets Act," and so on. The result was the Republican Party's greatest congressional triumph in 48 years.

When the revolution began to collapse under the weight of Gingrichian ego and ideological overreach in 1996, Gillespie escaped to the Republican National Committee (RNC) and then "downtown"—Capitol Hill's euphemism for K Street—the following year. But, in a sense, he has never really left. Last year he headed up the K Street fund-raising effort for a GOP initiative dubbed ROMP (Retain Our Majority Program). And he is a member of the elite group of GOP lobbyists who meet regularly with the Senate Republicans' K Street liaisons, Senators Rick Santorum and Kay Bailey Hutchison. "Maybe his greatest value to the party is his ability to connect with the rank-and-file members, the guys that understand that there's this communications element, this political/strategic element to what we're doing as conservatives," says a White House staffer, referring to Gillespie's Hill connections. "Go look from 1994 to today, and if you step back and look at the big-picture direction of the country, the major political events, Eddie hasn't been on the fringes, he's been in the center."

Indeed, when Gillespie left Capitol Hill, he didn't simply become a lobbyist; he began moving seamlessly between the worlds of campaigning, governing, and lobbying. First, heading into the 1996 election, Gillespie joined Barbour at the RNC as communications director. There, he was among a tiny coterie of GOP officials who in early October designed a strategy to protect their majority by abandoning Bob Dole's sinking campaign and convincing voters that they should elect a Republican Congress to counterbalance the inevitable Clinton presidency.

After the election, Gillespie followed his boss to the lobbying firm Barbour, Griffith & Rogers, where he started a public relations subsidiary, Policy Impact Communications. By hitching his star to Barbour, he learned the art of Washington influence-peddling from the most important Republican lobbyist of the '90s (Barbour's firm is ranked number one on *Fortune* magazine's latest survey). On any given issue, "members need to know it's good policy *and* good politics," says Barbour. "Ed is a master of that."

BY THE SUMMER of 1997, Gillespie, while employed as a lobbyist, was doing freelance spinning for both Barbour (who was caught up in a campaign finance scandal) and Armey (who had tried unsuccessfully to overthrow Gingrich). As the 1998 elections approached, Gillespie lobbied by day (Philip Morris, the American Trucking Associations, and many others) and plotted strategy with congressional Republicans by night. (One memo to party leaders: Being anti-affirmative action "does not resonate strongly with voters when unemployment is below 5 percent.") After the elections, when Clinton's impeachment shifted to the Senate, Gillespie became even more indispensable to his friends on the Hill. Trent Lott, then majority leader, tapped Gillespie as one of a handful of strategists to help him steer through the political thicket of a Senate trial. The operatives met in secret, funneling their advice through congressional staffers so Lott himself would never be tied directly to the group. Convening almost daily around the conference table in the majority leader's hideaway office, they helped Lott craft a plan to disentangle Republicans from the increasingly unpopular impeachment without incurring the wrath of the party's conservative base.

Through these campaigns, Gillespie developed a Washington lobbyist's most important asset: He became more indispensable to the politicians he lobbied then they were to him. Asked about Gillespie, Representative Rob Portman, a close White House adviser who is often mentioned as a future congressional leader, says, "If I ever got in trouble, I'd go to Eddie." This influence is now making Gillespie one of the richest lobbyists in Washington. Last year, he paired up with former Clinton counsel Jack Quinn (now famous for helping secure a presidential pardon for Marc Rich) to form Quinn Gillespie & Associates. After just one year, with income of $8.5 million, the tiny company ranked eleventh on *Fortune*'s list of D.C.'s most powerful lobbying firms.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Black Listed Cancer Treatment Could Save Your Life

Baltimore, MD— As unbelievable as it seems the key to stopping many cancers has been around for over 30 years. Yet it has been banned. Blocked. And kept out of your medicine cabinet by the very agency designed to protect your health—the FDA.

In 1966, the senior oncologist at St. Vincent's Hospital in New York rocked the medical world when he developed a serum that **"shrank cancer tumors in 45 minutes!"** 90 minutes later they were gone... Headlines hit every major paper around the world. Scientists and researchers applauded. Time and again this life saving treatment worked miracles, but the FDA ignored the research and hope he brought and shut him down.

You read that right. He was not only shut down—but also forced out of the country where others benefited from his discovery. That was 35 years ago. How many other treatments have they been allowed to hide? Just as in the case of Dr. Burton's miracle serum these too go unmentioned.

Two-Nutrient Cancer Breakthrough...

Decades ago, European research scientist Dr. Johanna Budwig, a six-time Nobel Award nominee, discovered a totally natural formula that not only protects against the development of cancer, but people all over the world who have been diagnosed with incurable cancer and sent home to die have actually benefited from her research—and now lead normal lives.

After 30 years of study, Dr. Budwig discovered that the blood of seriously ill cancer patients was deficient in certain substances and nutrients. Yet, healthy blood always contained these ingredients. It was the lack of these nutrients that allowed cancer cells to grow wild and out of control.

By simply eating a combination of two natural and delicious foods (found on page 134) not only can cancer be prevented—but in case after case it was actually healed! "Symptoms of cancer, liver dysfunction, and diabetes were completely alleviated." Remarkably, what Dr. Budwig discovered was a totally natural way for eradicating cancer.

However, when she went to publish these results so that everyone could benefit—**she was blocked by manufacturers with heavy financial stakes!** For over 10 years now her methods have proved effective—yet she is denied publication—blocked by the giants who don't want you to read her words.

What's more, the world is full of expert minds like Dr. Budwig who have pursued cancer remedies and come up with remarkable natural formulas and diets that work for hundreds and thousands of patients. *How to Fight Cancer and Win* author William Fischer has studied these methods and revealed their secrets for you—so that you or someone you love may be spared the horrors of conventional cancer treatments.

As early as 1947, Virginia Livingston, M.D., isolated a cancer-causing microbe. She noted that every cancer sample analyzed (whether human or other animal) contained it.

This microbe—a bacteria that is actually in each of us from birth to death—multiplies and promotes cancer when the immune system is weakened by disease, stress, or poor nutrition. Worst of all, the microbes secrete a special hormone protector that short-circuits our body's immune system—allowing the microbes to grow undetected for years. No wonder so many patients are riddled with cancer by the time it is detected. But there is hope even for them...

Turn to page 82 of *How to Fight Cancer and Win* for the delicious diet that can help stop the formation of cancer cells and shrink tumors.

Six-time Nobel Nominee's Two-Nutrient Cancer Breakthrough Revealed

They walked away from traditional cancer treatments...and were healed! Throughout the pages of *How to Fight Cancer and Win* you'll meet real people who were diagnosed with cancer—suffered through harsh conventional treatments—turned their backs on so called modern medicine—only to be miraculously healed by natural means! Here is just a sampling of what others have to say about the book.

"We purchased *How to Fight Cancer and Win*, and immediately my husband started following the recommended diet for his just diagnosed colon cancer. He refused the surgery that our doctors advised. Since following the regime recommended in the book he has had no problems at all, cancer-wise. If not cured, we believe the cancer has to be in remission."

—Thelma B.

"I bought *How to Fight Cancer and Win* and this has to be the greatest book I've ever read. I have had astounding results from the easy to understand knowledge found in this book. My whole life has improved drastically and I have done so much for many others. The information goes far beyond the health thinking of today."

—Hugh M.

"I can't find adequate words to describe my appreciation of your work in providing *How to Fight Cancer and Win*. You had to do an enormous amount of research to bring this vast and most important knowledge to your readers.

My doctor found two tumors on my prostate with a high P.S.A. He scheduled a time to surgically remove the prostate, but I canceled the appointment. Instead I went on the diet discussed in the book combined with another supplement. Over the months my P.S.A. has lowered until the last reading was one point two."

—Duncan M.

"In my 55 years as a Country Family Physician, I have never read a more 'down to earth,' practical resume of cancer prevention and treatments, than in this book. It needs to be studied worldwide for the prevention of cancer by all researchers who are looking for a cure."

—Edward S.,MD

"As a cancer patient who has been battling lymphatic cancer on and off for almost three years now, I was very pleased to stumble across *How to fight Cancer and Win.* The book was inspiring, well-written and packed with useful information for any cancer patient looking to maximize his or her chances for recovery."

—Romany S.

"I've been incorporating Dr. Budgwig's natural remedy into my diet and have told others about it. Your book is very informative and has information I've never heard about before (and I've read many books on the cancer and nutrition link). Thanks for the wonderful information."

—Molly G.

Don't waste another minute. There are only a limited number of books in stock—and unless order volume is extraordinarily high we may not be able to print more life-saving copies. Claim your book today and you will be one of the lucky few who no longer have to wait for cures that get pushed "underground" by big business and money hungry giants.

To get your copy of *How to Fight Cancer and Win* visit our website at www.agorahealthbooks.com/nrep1 or call **1-888-821-3609 and ask for code 9012** to order by credit card. Or write "Fight Cancer—Dept. FCBK-9012F" on a plain piece of paper with your name, address, phone number (in case we have a question about your order) and a check for $19.95 plus $4.00 shipping and mail to:

Agora Health Books
Dept. FCBK-9012F
P.O. Box 977
Frederick, MD 21705-9838

If you are not completely satisfied, return the book within one year for a complete and total refund—no questions asked. This will probably be the most important information you and your loved ones receive—so order today!

©2001 St. Paul Street Press, L.L.C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DURING THE CLINTON years, Gillespie had used his deep connections on Capitol Hill to turn himself into one of the GOP's most influential lobbyists and strategists. But, as the Clinton presidency drew to a close, Gillespie surely realized that Congress might be eclipsed as the center of Republican power. So he set out to attach himself to the campaign of the GOP presidential front-runner, Texas Governor George W. Bush. Judging from the Bush campaign's public image, one might have thought Gillespie would be less than welcome. After all, candidate Bush famously avoided being photographed with members of the congressional Republican leadership, and in September 1999 he even publicly repudiated them for trying "to balance their budget on the backs of the poor." But privately Gillespie was quickly embraced.

The courtship began in July 1999 when Gillespie orchestrated his friend John Kasich's endorsement of Bush. By April 2000 Karl Rove had invited him to be a member of the "Gang of Six," the band of Beltway operatives—Gillespie, Paxon, Mary Matalin, Charles Black, Vin Weber, and Barbour—who served as a formal strategy group for Bush's Texas brain trust. The gang, a who's who of Gingrich-era Washington insiders, represented the leading edge of the Beltway colonization of the Bush campaign—a transformation rarely remarked on amid all the coverage of Bush's Texas inner circle. Each member was given a specific area of strategy to manage. Matalin analyzed the structural weaknesses of the Gore campaign, Black plotted how to use the RNC, and Gillespie crafted the language of the attacks on Al Gore. Gillespie proved so valuable that he was soon asked by Bush communications director Karen Hughes and campaign manager Joe Allbaugh to serve as the program chairman of the Republican convention, the number-two position. Everything that appeared onstage (speakers, entertainment, scripts, and visuals) from 7:30 to 11:00 every night was under Gillespie's purview.

The theme, of course, was that George W. was "a different kind of Republican." In implementing it, Gillespie helped keep congressional party leaders—the very people he had helped bring to power—off the stage, replacing them with a multicultural lineup that started with The Rock and ended with Chaka Khan. In short, the image-maker who wrote and marketed the Contract With America also produced the stagecraft that erased the Contract's stain from the Republican Party. Not that Gillespie's buddies on the Hill seemed to mind. During the convention, Gillespie was fêted at a blowout thirty-ninth birthday party at a local Irish pub. Armey, Kasich, and other House Republicans banned from prime-time showed up to toast him.

After the convention, Gillespie's importance to the campaign only grew. September 2000 is remembered among Bushies as "Black September," the month of "rats, moles, and bad polls." In response, Hughes invited him to move down to Austin to help sharpen Bush's message and step up the attacks on Gore. Gillespie successfully flacked a story about how a group of pornographers had endorsed Gore, forcing the veep to disavow any association with the group. He also helpfully assisted reporters with stories about pollution on Gore's Tennessee farm. And he was at the center of the successful plan to transform Gore's misstatements during the debates into a national story about Gore's credibility.

On election night, Gillespie worked his contacts at the networks, scolding them for calling states too early for Gore. After the election he headed for Miami, where he became a familiar figure to anyone covering the recount: a tall, lanky man in a dark suit with a cell phone attached to his ear, constantly pacing the eighteenth floor of the Clark Center where officials were counting ballots. He participated in regular conference calls with Rove to develop message and strategy, and helped orchestrate—with Barry Jackson, a friend and Hill colleague who served as political director for the Contract With America and is now a top Rove aide—the campaign against Florida hand counts that culminated in the GOP mini-riot on November 22 at the Clark Center and in the canvassing board's decision to stop the recount. Gillespie was also instrumental in the public relations campaign to tag Gore as anti-military—leaking the Gore campaign's infamous legal memo on disqualifying military ballots to Robert Novak, who devoted a column to it and was soon on CNN asking Tom Daschle, "The figures I have, out of 2,200 absentee military votes that came in, 1,400 were rejected on technicalities. Is that any way to win a presidency?" Three weeks later, George W. Bush was the president-elect.

BACK IN WASHINGTON, the White House considered Gillespie for a number of jobs, including director of congressional affairs. But Gillespie declined, agreeing only to serve as spokesman for the Presidential Inaugural Committee and then as a transition adviser to Bush buddy Don Evans at Commerce—a department that, in 1995, Gillespie had helped Armey try to eliminate. There he helped install Jim Dyke, a Quinn Gillespie lobbyist, as Evans's spokesman.

When Gillespie left Commerce to return to his lobbying firm in mid-February, he took with him a Rolodex full of administration contacts. Indeed, while many lobbyists advised the campaign or served on transition teams, no one on K Street has served side by side with as many Bushies as Gillespie has over the past year. "Eddie's battle-tested, battle-worn," says a senior White House aide. "The guy's been there in every single venue." Consider a quick rundown of his close friends and associates: Hughes hired him to work on the campaign, and he plotted campaign strategy with Rove in Austin. He reported to Card during the convention. One of his best friends is press secretary Ari Fleischer, with whom he bunked during the debates and who almost took a job at Quinn Gillespie before joining the Bush campaign in 1999. He's also close to fellow Contract revolutionary Jackson—now director of the White House Office of Strategic Initiatives—and to David Hobbs, Armey's former chief of staff who is now Bush's House liaison. As a lobbyist, Gillespie represented TechNet, the Silicon Valley trade group whose former co-head, Lezlee Westine, now runs Bush's public liaison shop. And, on the other side of the revolving door, Gillespie has three former Bush staffers at his firm: Marc Lampkin, Bush's deputy campaign manager; Kyle Simmons, Bush's deputy political director and a transition adviser to Labor

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Secretary Elaine Chao; and Ashley Aldridge Meece, who worked on Bush's first gubernatorial campaign.

Not surprisingly, Gillespie has spent the last six months interweaving the political interests of his clients with those of the administration. After the transition, he organized Americans for Better Education with help from ex-Bushie Lampkin. The faux-grassroots organization—made up partly of Gillespie clients like Microsoft and Instinet and run out of Quinn Gillespie's Washington office—raised over $1 million to push Bush's education plan, running ads in more than a dozen congressional districts and setting up a fancy website that re-posts White House press releases on education. The White House received valuable political support and advertising, and Gillespie's clients got to pose as public champions of education—along with a little priceless access: In February Gillespie organized a meeting between members of the coalition and White House officials.

GILLESPIE'S INFLUENCE WAS more clearly on display in May when, as a representative for the steel industry, he helped convince the administration to adopt protectionist measures that contradicted its usual free-trade stance. To the White House, Gillespie made the political case: There are thousands of current and former steelworkers in battleground states like Pennsylvania, West Virginia, and Ohio. He then set about organizing meetings among business and union representatives of the steel industry and administration officials. A few days after a June 1 meeting that Gillespie helped arrange—attended by Evans, U.S. Trade Representative Robert Zoellick, and Treasury Secretary Paul O'Neill—the administration announced it would move to place restrictions on steel imports. "Factories are closing and people are losing their jobs," Commerce spokesman (and former Gillespie employee) Dyke told *The Washington Post*. It was lost on no one that the decision had helped a notoriously anti-union White House make political inroads with labor. "The Clinton administration never yielded anything but 'We feel your pain,'" says an official with the United Steelworkers. Gillespie "helped us figure out how to do it."

In May, Gillespie launched the 21st Century Energy Project, financed by such pro-Bush conservative groups as Americans for Tax Reform and Citizens for a Sound Economy. Ostensibly, the group's aim is to advance Bush's energy plan. But its other mission is to kill any attempt by Democrats to institute price caps to alleviate the energy crisis in the West. Which also happens to be the main goal of one of Gillespie's newest clients, Enron—the energy behemoth with closer ties to the Bush administration than perhaps any other corporation. (The company's employees and executives have given more to Bush than has any other single company.) Last week the project ran its first round of ads, which will neatly complement the series of town meetings the White House is conducting on energy policy. With the energy project, which expects to spend $500,000, Gillespie not only helps Enron but also serves as the "bad cop" attacking the Democrats on energy policy while the White House remains above the partisan fray.

This, too, is a role Gillespie has grown accustomed to playing. Every administration has reliable surrogates who can not only parrot the White House line but stick the knife in a little deeper than the president's own staff. (Think of Lanny Davis or James Carville during the Clinton era.) For Bush, Gillespie has been an invaluable advocate, usually identified merely as a "Republican strategist" on television. Already this year Gillespie has taken to the airwaves to knock down stories about Vice President Dick Cheney's heart condition, to scold the media for running stories about Bush's daughters, and to defend the administration's sagging poll numbers. When Vermont Senator Jim Jeffords left the Republican Party, Gillespie helped put out the line that the White House couldn't disseminate itself—that Jeffords was motivated more by a new committee post than by principle. "You have to wonder if this isn't more about Jim Jeffords retaining a committee chairmanship and less about differences with the president over policy," he told one reporter.

A telling example of Gillespie's complicated inside-outside game occurred in May, when the president was facing criticism for attending the RNC's presidential gala, a $24 million fund-raising dinner attended by a who's who of GOP lobbyists and corporate executives. Gillespie, the former RNC spokesman, popped up on CNN to defend the White House as a "GOP strategist." "The fact is, what we have here is the president, in this instance, also acting as the head of the party, raising money for the party, which is nothing out of the ordinary," he explained. "There is no quid pro quo." He left unmentioned that he had personally donated $50,000 to the dinner and that, after changing into his tuxedo, he would be attending it later that night.

WHICH IS NOT to suggest that Gillespie needs to buy access to the Bush administration. Because, in some respect, he *is* the Bush administration. He has become one of the key figures of Washington's permanent Republican establishment—an establishment that blessed Bush's candidacy and now guides his administration far more than the White House publicly lets on. Indeed, if one of the central questions of Bush's first six months is why he has turned out to be so much more conservative than the media—and his own rhetoric—implied during the campaign, a good part of the answer is people like Ed Gillespie. In foreign affairs, Poppy's advisers may reign supreme. But on domestic policy, old hands such as Barbour and Paxon and Gillespie—and dozens of less prominent conservative insiders—shape the policies of George W. Bush just as they shaped the policies of Gingrich and Armey before him. When I ask one top Bush aide how often Gillespie advises the White House, he seems almost puzzled by the question. "I guess the best way to describe it," he says, "is that there is a merry band of warriors that have been together for years. And all of us are tied together by politics and our involvement in the process. It's tough to separate official White House strategy conversations and us just sitting around the table." No wonder Ed Gillespie hasn't taken the Contract With America down from his wall. ■

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NEW REPUBLIC

Stanley Kauffmann on Films

Polishing a Gem

SEVENTY-ONE YEARS after it became world-famous, after it made its leading woman world-famous, we get the full-length original version of **The Blue Angel** (Kino). The American premiere of this restoration was in New York; during the summer and fall it will play, we are told, in "most major cities." Lucky major cities. The original version is only twelve minutes longer than the print first shown here in 1930, but those few restored brief sequences (which I had never seen) help the film's silhouette. These sequences, along with the fresh print and the sharp new subtitles, give us the chance to see an extraordinary work at its best.

The Blue Angel is a cask of contradictions. The first German sound film, it was made in Berlin in 1929, and is sometimes considered the ultimate flowering of the great German cinema of the 1920s; but the director, Josef von Sternberg, was technically an American. He was an Austrian émigré who had lived in America since he was seventeen (at the time of the movie he was thirty-five), had served in the U.S. Army in World War I, had succeeded in Hollywood, and was no longer fluent in the German language. Emil Jannings, the German star who had worked in Hollywood with Sternberg in a silent picture and had returned home because his accent barred him from American sound films, had sworn that he would never work with this director again; yet it was Jannings, facing his first sound film at home, who asked Sternberg to come over and direct him—even though Sternberg had made only one sound film. During the making of *The Blue Angel*, Jannings and Sternberg quarreled bitterly, yet the film contains some of the best work of each. Marlene Dietrich, the leading woman, was publicized as a Sternberg discovery, but she had already been in nine films and in numerous Berlin plays. (It was on the Berlin stage that Sternberg first saw her.) The screenplay is based, rather loosely, on a novel by Heinrich Mann, and Sternberg maintained that, despite the final credits that involve two well-known German writers, he was the real adapter of the book.

When Sternberg arrived in Berlin, he learned that there was no screenplay—not even an idea for one. Various subjects, including Rasputin, were mooted. Then Jannings brought him the Mann novel. Sternberg must have recognized that the story was a sort of drama that Jannings had already scored in, the proud man who suffers a tragic fall (the grand hotel doorman in Murnau's *The Last Laugh*, the banker in Fleming's *The Way of All Flesh*, the czarist general in Sternberg's *The Last Command*), but Sternberg also saw the gleaming cinematic possibilities in the book for Jannings and himself. He then found the woman, the new Lilith, who was essential to this story.

A screen test of Dietrich (age twenty-eight) for the role is being shown as prelude to this new version. She stands facing us behind an upright piano, her arms on it, her chin on her hands in parodic coquette pose, and sings "You're the Cream in My Coffee"—in perfectly acceptable English. Twice she sings it, and twice she breaks off to excoriate the pianist in German. With piercing hindsight, we can see at once that she was perfect for Lola Lola. (Note: as was common with many films in many countries in those days, *The Blue Angel* was shot in two languages simultaneously. After a scene was done in German, it was immediately repeated in English. It was the [inferior] English version that was first shown in the United States.)

The story is, if not especially novel, classically simple and strong. A middle-aged high school professor in an unnamed city is a bachelor living a routine existence and strutting in it. His students are all male, and he discovers, through risqué postcards, that some of them are frequenting a cabaret called The Blue Angel where a sexy singer named Lola Lola performs. The professor is outraged that the cabaret allows his students in, and he goes there to protest. (All of us amateur Freudians know at once why he is really going.) He meets Lola Lola in her dressing room, is knocked figuratively askew, forgets his hat (let's have a Freudian smile), returns the next evening to get it, and hears her sing one of her songs. (Marvelous songs that Friedrich Holländer wrote for the picture.) Then the professor spends the night with her. In the morning he wants to marry her. He loses his teaching job and marries Lola Lola, who is both pleased and amused, and he becomes a kind of obese poodle traveling with the show in which she stars. Between performances, he does the only job he can do for the troupe: he peddles the postcards of her to which he had once objected. The show tours and, after a few years, returns to his home town. There he is asked by the manager—and is persuaded by Lola Lola—to appear as a magician's stooge, dressed and made up as a clown, and to have eggs broken on his head. The ending of the story is inevitable. (I had seen the film many times and had shown it in courses, but had never seen the original ending. Other versions ended with a shot of Lola Lola singing.)

Emil Jannings's acting takes a bit of getting used to. He creates a performance as he goes, carefully adding stroke after stroke, and this might strike modern audiences as slow. But if we allow that he is performing to his own metronome, very conscientiously, his performance gradually becomes immense. The scene with the eggs, in which he wears a clown's wig and makeup before an audience that used to know him as a dignitary, glimpsing his wife being embraced by a man in the wings while the magician forces him to crow like a demented rooster—the utter ravage of a self-debased man—is one of the most shattering moments in all of film.

Dietrich, a bit more plump, and attractively so, than she was later permitted to be in American films, clearly was a star before she actually became one. She has the ease, the bravura, the wry contempt for the world, that were soon to become internationally known. What is here also particularly fine is the compassion that she feels for her pathetic professor-husband, her gentleness with him. The Venus in this Venusberg is as tender as she can be with her elderly Tannhäuser.

Two other members of the cast need notes. Rosa Valetti, who plays the magician's wife, was a celebrated Berlin cabaret performer who had been in the first production of the Brecht-Weill *Threepenny Opera*. Hans Albers, the circus strongman who causes trouble in the last sequences, became a wildly popular theater star. (After his death he was even on a German postage stamp.) These people, and the almost devilishly perfect casting throughout, create a cabaret universe into which the professor wanders as from another planet.

But the visual texture is all Sternberg. He already had a legendary reputation as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

a master of lighting who knew how to illuminate with shadows, a creator of worlds in which he then placed his films. (After Sternberg's first American film, Charles Chaplin engaged him to direct a non-comic film for Chaplin's then inamorata, Edna Purviance. The film was completed, was viewed by Chaplin, and then was secreted in a vault and never seen again.) Sternberg's use of symbolism throughout *The Blue Angel* is as pronounced as Jannings's acting style, and, like it, overwhelms us with its very deliberateness. In the first sequence, in the professor's home, his songbird—the only creature for which he had affection—is found dead in its cage: the professor is thus rendered loveless. When he first enters the cabaret, which has a maritime décor, he gets tangled in a net. At the wedding party for him and Lola Lola, the magician produces eggs from the professor's nose, to be remembered in the climactic moment. Throughout the backstage scenes early in the picture, a clown in an outsize collar is in the background observing the professor, never speaking; and in the crowing scene, it is the professor who wears that collar. The symbols transmute: they grow from signifiers into components of the film's structure.

Most impressive is Sternberg's gift of concision and elaboration. Glide and dwell, glide and dwell. He knows when to compress, when to intensify. The scene in which the professor terminates his lifelong teaching career is very brief and thoroughly convincing; the cut from there to the wedding party, and the cut from the professor's objections to the postcards to his peddling them, serve as Sternberg's license to expand and exult in the major scenes—like the early ones with the professor in Lola Lola's dressing room, where physical detail seems to make the drama more grave than does the story itself. A last contradiction, then: Sternberg's very virtuosity makes the film a triumph over virtuosity.

Personal postlude: my own Sternberg contradiction. In 1965, when his autobiography appeared, his publisher's publicist called me and said that Sternberg was coming east from California to promote the book, had been invited to appear on a half-hour CBS program, and had said he wouldn't do it unless I was the interviewer. I was astonished: I had never written a word about him, and, though I was then doing a television series about film on PBS, it was broadcast only in the New York area. Of course, surprised though I was, I agreed. We met at the CBS studio, and Sternberg embraced me as if his whole life had led up to that moment. But when we went on the air, his manner changed drastically. He became curt and brusque, almost hostile. Luckily I had a copy of his book with me and so could sometimes read out passages that kept things going. And then, when the broadcast was over, he became ultra-congenial again. He took my copy of his book from me, wrote something in it, and handed it back. By the time I read what he had written, he was gone. He had inscribed the book to me (spelling my name correctly!) "with great affection," then signed it floridly. I never saw or heard from him again. I still don't understand what happened that day. ■

The unexpected origins of the Supreme Court's worst decision.

Irreparable Harm

By Renata Adler

> The Framers of the Federal Constitution ... viewed the principle of the separation of powers as the absolutely central guarantee of a just Government. ... Without a secure structure of separated powers, our Bill of Rights would be worthless. ... Frequently an issue of this sort will come before the Court clad, so to speak, in sheep's clothing. ... But this wolf comes as a wolf.
> —Justice Antonin Scalia, dissent in *Morrison* v. *Olson*, June 29, 1988

> When we make a difficult decision in many areas—and this was not the most difficult decision the Court has made—.... My colleagues and I want to be the most trusted people in America. ...
> —Justice Anthony Kennedy, testimony before the House Appropriations Subcommittee, March 29, 2001

Renata Adler's book *Canaries in the Mineshaft: Essays on Politics and Media* will be published by St. Martin's Press.

Bush v. Gore:
The Court Cases and the Commentary
edited by E. J. Dionne Jr. and William Kristol
(Brookings Institution Press, 288 pp., $15.95)

I.

Not infrequently, an event so radical that it alters everything appears for a time to have had no effect, or even not to have occurred. This is true in personal as in public life. A loss, a flood, a medical diagnosis, a rolling of tanks toward the statehouse—life goes on apparently as usual. Nothing is changed. It is particularly true of events that are irremediable. When there is nothing to be done, people go to work, eat their lunch, sleep, awaken to a vastly altered world, in ways that seem uncanny in their ordinariness. The decision of the Supreme Court in *Bush* v. *Gore*, in all three stages—accepting the case at all; reversing the judgment of the Florida State Supreme Court; above all, perhaps, granting a stay of the recount in Florida—gave rise to lots of comment. Outraged, gleeful, satisfied, resigned, the response seemed in almost every case to follow from the politics of the speaker. Republicans and "conservatives," for the most part, approved. Democrats and "liberals" did not. The decision seemed to close the subject. Normal life resumed. George W. Bush was president and that was that.

George W. Bush may become a distinguished president. As to the Court's "fundamental fairness" in the matter—its claim, as Justice Kennedy put it, on the people's "trust"—the issue seems settled in a single question: if Al Gore had been the petitioner, with the same set of facts and arguments brought by Bush, would the Court have decided as it did? A rhetorical question, surely. Not a single justice

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would have agreed to hear the case.

The major issue was never really who would become president, or even the immense damage that the Rehnquist Five have done to the integrity of the Court. Its moral, intellectual, and legal authority had already diminished over a long period of poorly reasoned opinions expressed in unseemly and unjudicial—often supercilious and even sneering—words. What remained was its power. The Supreme Court has made mistakes before: *Dred Scott*, *Plessy* v. *Ferguson*, *Korematsu*, and so on. What is unprecedented in *Bush* v. *Gore* is the exercise of power—specifically allocated by the Constitution to the states and to Congress, and specifically *not* to the federal judiciary—in the expression of a profound and absolute conflict of interest. The Rehnquist Five want the Court to become a self-selecting body. In their treatment of *Bush* v. *Gore*, they did what they could to achieve that result.

THE DECISION, *per curiam*, unsigned, but apparently written by Justice Kennedy, with a separate concurrence by Justices Rehnquist, Scalia, and Thomas, is a swamp. No matter where you look at it, you find something specious, mischaracterized, incoherent, internally inconsistent, false. Because it issues from the Supreme Court, however, legal scholars, lawyers, judges, congressmen, voters, and senators—above all, senators—are obliged to take it seriously. Its consequences are serious in ways that have nothing, or almost nothing, to do with the election of George W. Bush. He would have become president in any case. If the hand count had gone, as it would probably have gone, for Al Gore, the procedures established in our system would have yielded two slates of electors from the state of Florida: one for Gore, one (submitted by the Republican Florida legislature) for Bush. Congress would have had to choose. If Congress could not agree, the choice would revert to Florida to be made and certified by its executive, Governor Jeb Bush.

A disorderly process, certainly. It just happens that some of the processes in our democracy are disorderly. The votes in all of the counties in all of the fifty states, for example, are submitted and counted by widely varying means. In Florida, the Supreme Court found in this lack of uniformity a violation of the equal protection clause. Just this once, just in this case, just in this state, just on this day. The equal protection claim was specious anyway. Just who, if the counting had been permitted to continue, was being denied the equal protection of the law? A voter whose vote had already been tabulated by machine? But that voter might be a Bush voter or a Gore voter, and the votes being counted by hand, in every county, might be Bush votes or Gore votes. There might be disparate treatment, but there could be no systematic or intentional disparate treatment, favoring one candidate, or one voter, over another. The standard for counting votes, in Florida as in most other states, was "a clear indication of the intent of the voter." This was not something that needed to be "divined" or "discerned." A voter, even in chadless counties, who both checked and wrote in the name "Bush" or "Gore" on his ballot, had expressed his intent—in what was clearly a "legal vote." The machine would not count it. A manual recount would. The Supreme Court decision would disallow it.

In fact, both the decision and the concurrence express disdain for the legal standard, in Florida and in so many other states. Why, Justice O'Connor asked irritably during the oral arguments, could these voters not follow "clear instructions"? The concurrence actually devotes many lines to this sort of argument: "Florida law cannot reasonably be thought to require the counting of *improperly marked ballots*.... Each precinct ... provides *instructions on how properly to cast a vote*"—as though voting were some form of test, which those aspiring to vote might pass or fail. The concurrence derides voters who cast "ballots that are not *marked in the manner* that these voting instructions *explicitly and prominently specify*"—in contrast to the machines, which perform "precisely in the manner designed." (The machines performed, as it happened, poorly, and in some locations not at all.) Any other position, the concurrence goes on, in the diction that has become one of the Rehnquist Five's defining characteristics, "is of course absurd."

The difficulty remains: the standard for a "legal vote" is not an IQ test, or a test of classroom behavior that requires people to behave "properly" or to follow "instructions." (The "instructions" in some counties, anyway, told the voter to make sure to "cast a vote on every page." An unfortunate instruction: any voter who followed it would have produced an "overvote," which the machine would disallow.) The accusatory, punitive, even contemptuous dismissal of voters whom the Court apparently deems too stupid to be allowed to vote at all (echoes here of the "literacy test" that used to accompany the poll tax in the South) dismisses as well what is, in Florida and most other states, the law: the test is, inescapably, the "intent of the voter." It was according to this standard that the manual recount was proceeding when the Court brought it to a halt.

II.

THE TROUBLE WITH a swamp of a decision is that even to deal with it is to be drawn into it. The four dissents politely and eloquently demolished every element of both the decision and the concurrence, to the degree those elements could be articulated. Almost all subsequent commentary, whether in article or book form, demolished them in more detail. But always in ways that seem contingent. Some distinguished commentators have suggested that, if the Bush presidency turns out well, the decision will be vindicated. Or they have pointed out that when the Supreme Court has made mistakes before, it has with time corrected them. Or even that the real precedent for this judicial aberration was *Roe* v. *Wade*, when the Court made a decision that might, they felt, have been better left to Congress or the states. But all of them, I think, understate the gravity of what has happened, and its possible consequences for at least a generation.

To return for a moment to the decision—in particular, to Justice Scalia's concurrence (in itself unusual) in the Supreme Court's order, which abruptly halted the manual count by granting Bush's application for a stay. It is often forgotten that, in addition to Florida's state courts, lawyers for Bush had already brought their case before three *federal* courts (the U.S. District Courts of Orlando and Miami, and the U.S. Court of Appeals for the Eleventh Circuit Court in Atlanta), without success. A "stay" is a form of the ancient equitable remedy of injunction. Centuries ago, a petitioner might appeal directly to the king for a writ to "enjoin" his neighbor from doing something so drastic and destructive that it threatened the petitioner with "irreparable harm," damage, in other words, that could not subsequently be undone or compensated. The very basis of a petition for such a writ was an emergency.

A "stay"—and every application by petitioners Bush and Cheney in the federal courts to stop the manual recount was phrased in terms of "An Emergency Motion" or "An Emergency Application for a Stay"—is a drastic remedy. It is not to be granted unless the petitioner clearly establishes that he will suffer "irreparable injury" if the stay is denied; and that this threatened injury outweighs whatever damage the proposed injunction may cause the opposing party. He must also establish that granting a stay would not be adverse to the public interest.

In his concurrence, Justice Scalia did not trouble for a moment to consider

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

whether the threatened injury to Bush if the counting continued outweighed the damage to Gore if it did not. Scalia went straight to "irreparable harm." If the manual count continued, he said, it "does in my view threaten irreparable harm to the petitioner, and to the country, by casting a cloud upon what he claims to be the legitimacy of his election."

Well, there it is. The irreparable harm of "casting a cloud." In the long and honorable tradition of injunctions and stays, this "irreparable injury" is a new one. Not just a cloud, but a cloud on "what he claims to be the legitimacy" of what he is claiming. By that standard, of course, every litigant in every case should be granted an injunction to halt the proceeding that offends him: the prosecutor casts a cloud on a claim of innocence; the civil plaintiff, a cloud on the defendant's claim that he has already paid him. And of course vice versa, the defendants casting clouds on plaintiffs and prosecutors. The whole adversary system consists of a casting of clouds.

JUSTICE SCALIA'S CHOICE of words seems derived, perhaps intentionally, from the laws of property: "cloud on title"—with, perhaps, an overtone of libel. As though a vote were a form of speech, unprotected by the First Amendment, and the counting of votes were, in some sense, defamatory and damaging to the candidate's reputation. But from tort claims to suits in antitrust, legal process virtually consists of this casting of clouds on claims of legitimacy. Perhaps all of them should be halted or enjoined.

Whatever "cloud" Scalia had in mind—and it seems to be emotional (anxiety perhaps, or the state of being miffed)—the "harm" to Bush could not possibly be "irreparable," since it was entirely within the power of the Court, or the manual count itself, to dispel it. If the count went for Bush, no cloud at all. If it went for Gore, the Court would have time to deem the results, if the Court so found, invalid. If the count went Gore's way, and the Court found no fault with it, the process would have gone just as the Constitution and our political tradition provided that it should, as though the Court had never entered the process—where it did not, in any event, belong.

Scalia's argument for the stay obviously did not "clearly establish" any, let alone all four, of the requirements for the remedy. His finding of "irreparable harm" was so obviously unserious that even the *per curiam* did not bother with it. Here is how, retroactively, the *per curiam* justified its halting of the count: "Given the Court's assessment that the recount process underway was probably being conducted in an unconstitutional manner, the Court stayed the order. "

"Given," "probably being conducted," "unconstitutional manner": this is not language on which to base an order for a stay. It is not language on which to base a decision of any kind. The word "probably" alone defeats the argument: the courts have always held that no stay will issue if the harm is "speculative." And the *per curiam* babbles vaguely on. The mandate of the Florida Supreme Court "is not well calculated to sustain the confidence that all citizens must have in the outcome of elections"; it "jeopardizes the legislative wish"; it "frustrates a legislative desire"; "a legislative wish ... would counsel ... against any construction that Congress might deem"—all these hypotheticals, wishes, frustrations, desires; what a "wish ... would counsel ... against," what Congress "might deem." The Court, when it speaks honorably, speaks in straight declaratory sentences. It speaks not of legislative wishes, but of commands; not of what Congress might deem, but of what it has said, enacted, or required.

HERE IS SCALIA, waffling, with a little joke based on Alice: "Count first, and rule upon legality afterwards, is not a recipe for producing elections that have the public acceptance democratic stability requires." Recipe. The public acceptance democratic stability requires. Well calculated to sustain the confidence that all citizens must have in the outcome. All this is not just arguable, and certainly not before the Court. It is not the Court's business. As it happens, count (or take any action which the law does not specifically forbid) first, and rule upon legality afterwards, is precisely the basis of our free and entrepreneurial system. It is one of the reasons constitutional law requires the Court to consider only specific "cases and controversies" (in contrast to abstract, hypothetical, or contingent questions) and prohibits the Court from issuing what are called "advisory opinions." Halt the count, and rule upon legality beforehand, is presumably the "recipe" for producing the kind of elections (those "that have the public acceptance democratic stability requires") that Scalia has in mind.

But none of this, not a word or a concept, is the reasoning or the language of the law. And the vague, nattering—simultaneously brazen, timid, and evasive—quality of the decision culminates, of course, in this: "Our consideration is limited to the present circumstances, for the problem of equal protection in election processes generally presents many complexities."

Look at that sentence a minute. What can it possibly mean? It apparently *says* that, for some reason, the decision in *Bush* v. *Gore* is not to be regarded as precedent for any other. But if this were so, it would undermine, at one stroke, the whole basis of American and Anglo-Saxon law. That each case has precedential value, *must* have precedential value, is the bedrock of our system of justice. Otherwise each case can be decided ad hoc, at the caprice of judges—non-elected, federal judges with lifelong tenure. The Constitution and even the Magna Carta would be superseded, the justices would be kings.

IT IS, HOWEVER, simply not in the power of the Court to determine that its decision has no precedential value. *All* decisions of the Court have such value, though it is hard to see how this particular travesty could serve as precedent for anything—or, for that matter, how it could be abandoned or overruled. But a special case, with no precedents and no future applications, is a case that, for ancient, profound, and lasting reasons, no court under our system is entitled to decide. No court has a right to say, This case is the law, crafted for one citizen, George W. Bush, and for him alone.

Linda Greenhouse, in *The New York Times* two days after the decision, got it just right. "Among the most baffling aspects of the opinion," she wrote, "was its simultaneous creation of a new equal protection right not to have ballots counted according to different standards and its disclaimer that this new constitutional principle would ever apply in another case." The "new constitutional principle" never could apply in another case, because it does not and could not exist. It would disallow every election in the country—in the history of the country. The Platonic ideal of a voting machine that the chief justice seems to envision, "precisely designed" to create uniform standards nationwide, does not exist either. If it did, the Court would have no power to impose it. Nor would Congress. The notion of machines, "precisely designed" and even of "uniform standards nationwide," raises the question of who, or what, designs, imposes, and oversees them. And the necessary centralization of power and order that this implies is precisely the way nations lose the power to vote.

In *Bush* v. *Gore*, the citation of "precedents" that are not precedents, particularly civil rights cases (*NAACP* v. *Alabama*, for example, or *Bouie* v. *City of Columbia*, a 1964 case involving black sit-in demonstrators: "What we would do in the present case," the concurrence says, "is *precisely parallel*") conveys the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

degree of disingenuousness and spite that has so frequently characterized Rehnquist's opinions. His tone in the majority has perhaps carried over from the years when he was most bitterly in dissent. Justice Ginsburg dealt with this sort of citation. The Florida Supreme Court, in its finding that "counting every legal vote" was the "overriding concern" of Florida's Election Code, "surely should not be bracketed with state high courts of the Jim Crow South." She dealt with the chief justice's other "casual citations" as well, pointing out how few and inapposite they were.

THERE IS ALSO, in the decision, an unusually high measure of hypocrisy, particularly in its affectation of helplessness: "None are more conscious of the vital limits on judicial authority than are the members of this Court.... However, it becomes our *unsought responsibility to resolve* ... issues the judicial system has been *forced to confront*" and so forth. (In hearings before the House Appropriations Committee in March, Justice Kennedy, along with his remarks about "trust," actually pointed out, in defense of the *per curiam*, that it was not the justices who filed the suit.) Apart from outright misrepresentations of the law, there are several gratuitously insulting comparisons between Katherine Harris and the Florida Supreme Court ("The Florida Supreme Court, although it must defer to the Secretary's interpretations, ... rejected her reasonable interpretation and embraced the peculiar one") and myriad inconsistencies. The decision, which has just said that the state court "must defer to the Secretary's interpretations," suddenly pretends that it confronts "a state court with the *power to assure uniformity*" in vote counts—a "power" that the Florida Supreme Court manifestly lacks.

And there are, at the core, some outright lies. Even the statement that seven justices of the court essentially agree, for example, and that "the only disagreement is as to the remedy," is false. The two justices whom the majority tries to embrace, Souter and Breyer, begin their dissents with clear statements that the Court should not have taken the case, that it was wrong to grant a stay, and that the decision itself is wrong. That puts rather a lot of weight on the "only." Souter and Breyer did try to salvage something from the debacle by giving the Florida Supreme Court another chance to meet even the most specious arguments of the *per curiam*. But the majority, with its own agenda, would not permit even this.

It is not enough to say that this is the most lawless decision in the history of the Court. People have said, Well, somebody had to decide what the outcome of the election was, one way or the other. But somebody *was* deciding (or rather had decided) it: the voters. If the outcome remained in doubt, Congress would decide, or remit the choice to the Executive of the state. Others have said that we were approaching chaos, a constitutional crisis, that only the Supreme Court, in its robes and its wisdom, could resolve. But there was no constitutional crisis, except the one of the Supreme Court's own creation. The events in Florida and the unfolding story were in fact a kind of political thriller. Voters were rather enjoying the suspense, when the Court, for its own reasons, jumped right in to stop the contest, so as to ensure that no one, ever, would find out the score.

What does it matter? The system has always been strong enough to withstand mistakes of every kind, poor policies and choices, corrupt administrations, bad judgments on the part of elected and electorate alike, bad laws, unjust verdicts, rigged elections, miscounted votes, and bad decisions by malign or misguided courts. In *Chapters of Erie*, still the best work of muckraking in our history, Charles F. Adams Jr. and Henry Adams devoted many chapters to the corruption of the courts. But there is something different about *Bush* v. *Gore*.

III.

IT HAS NOW become clear that the recent case is only the latest and most extreme in a series of cases, *Morrison* v. *Olson*, *Clinton* v. *Jones*, and the initial remand to the Florida Supreme Court for "clarification." And it was Antonin Scalia, in his dissent in *Morrison* v. *Olson*, who gave us the clearest indication of what has happened here and what is really at stake. *Morrison* v. *Olson*, decided in 1988, was the case in which the Supreme Court overruled the Court of Appeals for the District of Columbia, and upheld, as constitutional, the Ethics in Government Act of 1978, which established the office of independent counsel. Justices Brennan, Blackmun, and Marshall were still members of that Court, but Scalia's was the sole dissent. His opinion was eloquent and well reasoned, and he alone was right. It was as though the justices, and everyone else who should have known better, were not paying attention.

Scalia pointed out that, under the act, the independent counsel, or special prosecutor, would have virtually unlimited power—scope, discretion, funds, staff, tenure. He quoted at length from a great speech by Justice Robert Jackson, delivered in 1940, when he was still attorney general, about the temptations and the duties of *any* prosecutor, his vast powers and immense discretion, and the dangers of abusing them—specifically, by not "discovering the commission of a crime and then looking for the man who has committed it," but "picking the man" and then "putting investigators to work, to pin some offense on him." Any prosecutor, Jackson said, "stands a fair chance of finding at least a technical violation of some act on the part of almost anyone," and then "the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious."

JACKSON'S SPEECH, AND Scalia's opinion, contained a virtual blueprint of what the independent counsel's office, under Kenneth Starr, would become and do. But Scalia's main argument was that the Ethics in Government Act so seriously violated the constitutional separation of powers, which, for very good reasons, vests *all* the Executive power (including the power of prosecution) in the president, that it violated "the absolutely central guarantee of a just Government." "The purpose of the separation and equilibration of powers," Scalia said, "and of the unitary Executive in particular, was not merely to assure effective government but to preserve individual freedom." When the Court upholds as constitutional a law that creates a prosecutor outside the Executive, "this is not the government of laws that the Constitution established; it is not a government of laws at all." "That the Court could hold otherwise demonstrates the wisdom of our former constitutional system."

The warning was apt and it was prescient, but Scalia thought that the greatest danger wrought by this diminution of the Executive would come from the legislative branch. "The statute," he wrote, "is acrid with the smell of impeachment." Also, "this is an open invitation for Congress to experiment. The possibilities are endless, and the Court does not understand what the separation of powers, what 'ambition ... countering ambition' ... is all about, if it does not expect Congress to try them."

Congress, of course, did "try them," and the independent counsel himself set off the debacle of an impeachment process. But what I had not realized, what nobody so far as I know has pointed out, was a provision of the act that the majority in *Morrison* virtually relegates to a footnote. "Most importantly," Justice Rehnquist said, speaking for the Court, "the Act vests in the Special Division the power to choose who will serve as independent

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

counsel and the power to define his or her jurisdiction." It is only Footnote Three that tells us what the newly created "Special Division" is to be. It "consists of three circuit court judges or justices appointed by the Chief Justice of the United States." The chief justice was, as he still is, Justice Rehnquist.

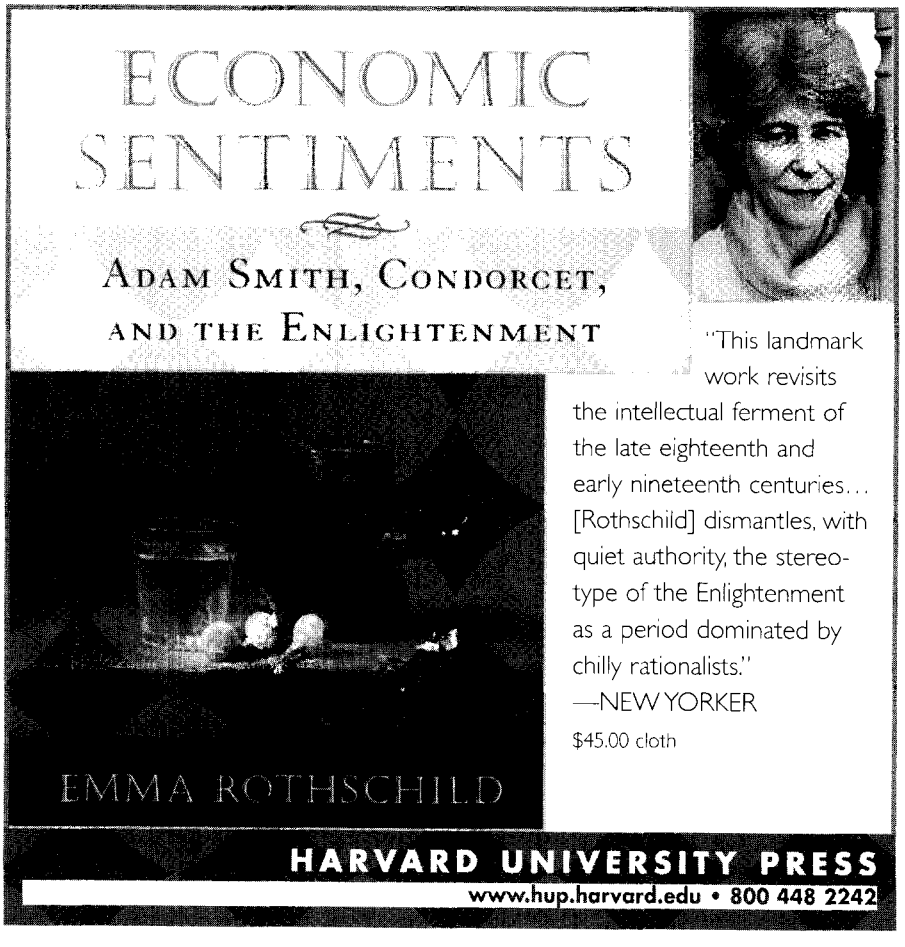
The wisdom of this arrangement is applauded in Footnote Thirteen: "Indeed, in light of judicial experience with prosecutors in criminal cases, it could be said that courts are especially well qualified to appoint prosecutors." If that doesn't give you a little chill, it may still shed light on the scene of the man in his Iolanthe-inspired robe presiding so affably in the Senate over a trial set in motion by a special prosecutor, whom he had selected and supervised.

SCALIA'S DISSENT IN *Morrison* demolished the majority opinion delivered by Chief Justice Rehnquist. "The prospect is frightening," Scalia wrote, and there is nothing sarcastic, or insincere, in the tone of this opinion. "The fairness of a process must be adjudged on the basis of what it permits to happen." The appointment of "the mini-Executive that is the independent counsel," a prosecutor outside the Executive Branch, unelected and accountable to no one, destroyed "the equilibrium ... the Founding Fathers envisioned when they established a Chief Executive accountable to the people." Above all, it destroyed the tension among the three branches, which limits the power of each and provides the "absolutely central guarantee of a just government." "That is what this suit is about. Power. The allocation of power ... in such fashion as to preserve the equilibrium the Constitution sought to establish. Frequently an issue of this sort will come before the Court clad, so to speak, in sheep's clothing: the potential of the asserted principle to effect important change in the equilibrium of power is not immediately evident.... But this wolf comes as a wolf." The only thing that Scalia seemed less than prescient about was which branch was going to "experiment." The danger came not from the legislative but from the judiciary, not from Congress but from the Supreme Court.

In case after case since *Morrison*, the Court, with majorities that now include Scalia, has expressed its disdain for the other branches, for elective officials of every kind (now including, of course, state judges), for voters, for colleagues on the Court who are not members of the Rehnquist Five. The diction of those five has been marked by an overwhelming sense of their own superiority, while the quality of their reasoning and of their decisions has radically declined. In 1997, there was *Clinton* v. *Jones*, decided by a unanimous Court. It seemed for a time that even the best of the justices were asleep, or had lost contact with life in the outside world. The decision refused to stay the trial of Paula Jones's claims against President Clinton. The district judge had allowed discovery to go forward, but had concluded that an immediate trial, which "might hamper the President in conducting the duties of his office," could be postponed until the end of his term.

The Supreme Court held otherwise. While it might "consume some of the President's time and attention," a trial "appears to us highly unlikely to occupy any substantial amount of [his] time," or to impose an "unacceptable burden on [his] time and energy." There was also no "perceptible" or "serious" risk that a "trial might generate unrelated civil actions" that could "conceivably hamper the President" in the conduct of his office. Meanwhile Jones's "interest in bringing the case to trial" and the "timely vindication of her most fundamental rights" should not be subject to delay. "Delaying trial would increase the danger of prejudice resulting from the loss of evidence, including the inability of witnesses to recall specific facts, or the possible death of a party." Such a delay, because of the "unforeseeable loss of evidence" and so forth, would subject Jones to a "risk of irreparable harm."

So urgent was Jones's complaint that she did not file it until two days before the three-year deadline under the statute of limitations. Her claim at the time consisted of four parts: violation of her civil rights under state law; conspiracy to violate her civil rights under federal law; intentional infliction of emotional distress; and defamation. The Court's decision was certainly one of its least wise and prescient. What links it to *Bush* v. *Gore* (apart from considerable overlap among the authors of the briefs for Jones and Bush) is the question of a "stay" and "irreparable harm." The trial of Jones must *not* be stayed, even temporarily, because the delay may cause Jones irreparable harm. (The Supreme Court here seems out of touch even with the experience of ordinary citizens before the courts: there is *always* delay, with its attendant risks of loss of evidence, and so on.) But the manual count in the Florida counties *must*, permanently, be stayed, because of the risk of irreparable harm to—well, to George W. Bush. The combination of *Jones* and *Morrison* was nearly the destruction of the Executive.


ECONOMIC SENTIMENTS
ADAM SMITH, CONDORCET, AND THE ENLIGHTENMENT
EMMA ROTHSCHILD
"This landmark work revisits the intellectual ferment of the late eighteenth and early nineteenth centuries... [Rothschild] dismantles, with quiet authority, the stereotype of the Enlightenment as a period dominated by chilly rationalists."
—NEW YORKER
$45.00 cloth
HARVARD UNIVERSITY PRESS
www.hup.harvard.edu • 800 448 2242

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

IV.

AND THERE WE ARE. One risk that seems to have passed, until now, under the radar of some of the justices is that the extreme right has become adept at using politically correct buzzwords (words from civil rights cases, from feminism, from affirmative action, from multiculturalism, and so forth) to advance diametrically opposite agendas. With *Bush* v. *Gore*, the majority of the Court—in spite of the persuasiveness and the eloquence of the dissents, and the efforts of the dissenting justices to preserve somehow the continuity of the institution—has virtually parodied the history and the meaning of such words ("equal protection" is but one example) to become quite openly the most dangerous branch. It has simply taken over, almost casually seizing rights that belong to the state courts, Congress, the electorate, and defying anyone to do something about it.

And it is far from clear what can be done about it. Manual counting of the votes is now, even as a matter of history, meaningless. Many votes had already vanished by the time *The Miami Herald* started counting them; and more will surely change or disappear before the *New York Times* consortium is done. The election of Bush was never the real problem. The assertion of power—in a matter in which the Court is morally and constitutionally precluded from playing any part—is. The justices serve for life. They have now acted, in their judicial capacity, to promote their choice of a man who will select their colleagues and successors, who will also serve for life. The losses—of trust in the Court, of respect for the law, and of belief in the vote itself—are almost the least of it. The only citizens who can do anything about it are the president (who has already made clear his ideological preferences, and who is now also compromised and in their debt) and the members of the Senate. The line is drawn. Of course, surprises are always possible. But there can be no more lapses of attention, no more confirmations of ideological clones in ethnically mixed disguises, no more ideologues at all.

The difficulty, even the danger, is profound. It is embodied, after all, in that apparently harmless little shrug of a sentence about the decision being limited to the "present circumstances." If you once cede to the Court the power to decide elections, let alone even the power to halt counting of the votes, then you have ceded it everything. It is no use for the justices to claim that this case has no precedential value. The "just this once" promise is disingenuous on its face—especially in the "present circumstances." Every decision of the Court, under our system, becomes precedent; there is nothing to keep some future Court from responding in the same way, halting (on grounds of equal protection or whatever other specious grounds), in every county and in every state, a vote which displeases the majority of the Court. And there is no appeal.

This is by no means an unlikely consequence. What the Court says is the law *is* the law, until the Court itself says otherwise. The only leash on the Court, until now, was the Court's own history—its continuity as an institution that relies on precedent, reasoning, good faith, tradition, and its place among the three branches of government and within the federal system. It has now, with every affectation of helplessness, slipped that leash. There is no explanation in *Bush* v. *Gore* that can fit within the function of the Supreme Court, no rational explanation of this arbitrary exercise of power, in the language that the Supreme Court has always used to explain what it does. And all those affectations of helplessness—what it was "compelled" or "forced" to do, those "unsought" responsibilities it "could not abdicate"—were coupled with expressions of immense self-satisfaction.

THERE SEEMS, REALLY, no question about it. This is a turning point. Not because of its effect on this election or on the status of the Court or on the people's trust. Least of all was it a simple matter of choosing between two candidates in a close presidential election. Almost all the books, articles, and commentaries about it have, in one way or another, been useful—particularly *Bush v. Gore: The Court Cases and the Commentary*, in that it includes so many of the actual court decisions. Most critics speak of damage to the Court itself; most supporters speak in terms of excusing little faults, in view of what they seem to regard as a rescue of the system from "chaos." Almost all speak as though there were some continuity between this decision and the entire history of the Court. But there is no continuity. The legacy of this Court is disaster—which no façade of collegiality, or relatively cuddly subsequent decisions, can conceal or rectify.

One outcome of this case seems almost certain. Having once intervened to effect the outcome of the electoral process (which it had neither the authority, nor the competence, nor as it turned out even the good faith to decide), the Court—under this Rehnquist or another, with the concurrence of this Kennedy and O'Connor or others—will try again, relying on (perhaps even "refining") the ineradicable precedent of *Bush* v. *Gore*. As Scalia put it, in 1988, in *Morrison*,

> Evidently the governing standard is to be what might be called the unfettered wisdom of a majority of this Court, revealed to an obedient people on a case-by-case basis. This is not only not the government of laws that the Constitution established; it is not a government of laws at all.

And,

> What if [the judges] are partisan, as judges have been known to be.... There is no remedy for that, not even a political one. Judges after all have life tenure.

And,

> The Court essentially says "trust us...." I think the Constitution gives ... the people more protection than that.

And finally,

> That the Court could possibly conclude otherwise demonstrates both the wisdom of our former constitutional system ... and the folly of the new system of standardless judicial allocation of powers we adopt today.

Scalia was writing, of course, only of the act that established the office of independent counsel. But he had at length quoted Jackson, for whom Rehnquist had clerked—and whose views Rehnquist has often managed, from the day of his confirmation hearings to this day, to misrepresent. Scalia's dissent even denounced, as an unconstitutional breach of the separation of powers, the special division that Rehnquist would head. The act which established the office of the special prosecutor, and which the Rehnquist Court upheld as constitutional, led to one disaster after another. Now it is the judiciary that has accepted the "invitation," under *Morrison*, to "experiment" with "possibilities."

The Court, even when it acts on a lawless basis, is beyond appeal. Our system provides for the lower courts no equivalent of civil disobedience, or jury nullification, or even the degree of freedom enjoyed by dissident prelates within the Church. It is not entirely inconceivable that even the lower federal courts will (in spite of Justice Kennedy's vague and unenforceable disclaimer) invoke *Bush* v. *Gore* to halt counts or otherwise intervene in elections. The damage is done, and cannot ever be quite undone. But it can be limited. If the Senate exercises, with the utmost care, its constitutional responsibility to advise and consent, *Bush* v. *Gore*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

really will with the passage of time have been just a radical aberration. If the Court succeeds, however, in having allocated to itself powers that belong to the states and to the other branches—and if the Senate's examination of any candidate for a federal court is in the least perfunctory—the tanks have really rolled. The Founding Fathers, who did after all vote by hand, will have left us a wonderful form of government, which we somehow permitted the Court to throw away. ■

Unsurprised by Sin

By HELEN VENDLER

The Life of John Milton: A Critical Biography by Barbara Kiefer Lewalski

(Blackwell Publishers, 777 pp., $39.95)

How Milton Works by Stanley Fish

(Harvard University Press, 616 pp., $35)

JOHN MILTON IS the ideological lightning rod among English writers. He was a man of fierce views and intransigent positions. In an age of monarchs and prelates, he aligned himself with the republican dissidents who provoked a civil war, beheaded Charles I, ejected bishops from Parliament, and maintained a protectorate under Cromwell, until they were defeated by various causes—Cromwell's death, his son Richard's abdication, the disaffection of the army, perennial internal quarrels, and foreign hostility. Though blind from his early forties, Milton wrote polemical prose and state letters for twenty years in the service of the republican party, sacrificing poetry, except for some brief lyrics. When his party failed and the monarchy was restored in 1660 under the dissolute Charles II, Milton lived the rest of his life (after danger of execution as the most famous defender of regicide, and after brief imprisonment) in retirement. His theological and political views, continually updated in tract after tract as occasion offered, are displayed at greater length than those of any other English poet; and it was inevitable that his life and his opinions should have colored subsequent views of his verse.

As his posthumous reputation grew, Milton seemed to many readers a Protestant saint, a witness to truth, a bearer of tragedy with fortitude, a tower of staunchness in the face of threats civil and religious. Naïve readers scanned *Paradise Lost* almost as if it were the Bible itself: wasn't it simply Genesis (and many other biblical stories) retold and elaborated in modern English? (Milton's other long poems, *Paradise Regained* and *Samson Agonistes*, never attained the status of *Paradise Lost* in popular regard.) More acute readers (from Blake to Wordsworth to Keats) valued Milton's scope and learning and linguistic powers, taking him as a model for poetic works of their own.

But later readers have been more critical of Milton, not on literary grounds so much as on ideological ones. Once Milton's long Latin treatise on Christian doctrine was discovered in 1823 and translated in 1825, fully proving the poet's heterodoxy (he did not believe in the Trinity, he denied that Jesus was God, he thought that the soul died along with the body), those who had equated *Paradise Lost* with the Protestantism that they cherished saw their esteem of Milton shaken. And a host of twentieth-century critics have attacked him on ideological grounds for various sins: an attraction to violence, a politically incorrect attitude to gender, a monarchical view of God, an intolerance of Roman Catholics while he ostensibly preached religious toleration.

Milton—in his prose an opinionated and truculent writer—remains a magnet for opinionated and truculent criticism. As for the poetry, the favorable critics speak of its poignancy and its power and its eloquence; but as they are drawn into his theological and philosophical imagination, they tend to quote favorite passages from the poems rather than analyze Milton's language. The hostile critics are hostile not to the poetry—they scarcely mention it as such—but only to the attitudes they find expressed in it. Indifferent to the distinction between prose and verse, they take Milton's putative opinions wherever they find them. (The most notorious of the hostile twentieth-century critics was William Empson, who, in a book called *Milton's God* that appeared in 1961, made no secret of his disgust at God's character and actions in *Paradise Lost*.) On the whole, Milton's linguistic creative powers have attracted less attention—except in certain specialized scholarly studies—than his life and his opinions.

BARBARA LEWALSKI HAS NOW produced, in a critical biography of Milton, a balanced account of his life and works. Many biographies have preceded Lewalski's book: Milton's life is very well documented (though with tantalizing lacunae). Lewalski's grand synthesis is significant not least for taking into account the revisionary scholarly work of the last thirty years, especially on the civil war and on Milton's role in state affairs. (He was the secretary for foreign languages for Cromwell, often drafting diplomatic documents or translating them into Latin.) Since Lewalski's book is a critical biography, the works are considered along with the life events. Each chapter begins with a brisk overview of the history and the literary production of some years of Milton's life; and the overview is followed by a two-part narrative, first of the life, then of the works written in that period. This rational scheme means that one always knows which realm one is in, the factual or the literary.

The factual, of course, must include the speculative (on the order of "we have no record of what Milton thought of the death of Cromwell, but we can imagine that he ..." and so on); and the literary must include the factual, in part because so much of Milton's poetry seems to allude, if only by symbolic analogy, to incidents in the political and religious turbulence of his era. Lewalski's speculations, grounded on probability, are never fantastic; and her paralleling of events in literature and life is buttressed by a secure sense of what Milton might or might not have undertaken to do.

Lewalski rarely uses her pages for polemic, but for those familiar with current Miltonic quarrels, it is clear that she—like Roy Flannagan, the editor of

HELEN VENDLER is A. Kingsley Porter University Professor at Harvard, and the author most recently of *Seamus Heaney* (Harvard University Press).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Riverside Milton and of *The Milton Quarterly*—thinks Milton has been unfairly treated in certain respects. Thus she points out (against those accusing him of misogyny) how high an estimate he had of Eve's intellectual and moral nature, and how strongly he championed companionate marriage, in which the wife would be a "helpmeet" capable of true "conversation" with her husband, not merely an inferior being suitable for domestic or sexual service.

Acknowledging that Milton was not able to transcend altogether the "patriarchal" conceptions common to his culture, Lewalski nonetheless reports his long and affectionate friendships with cultivated women, and his willingness to argue that when a woman's moral worth was superior to that of a man, she should guide him, rather than he her. And while acknowledging, too, that Milton's tolerance for free speech and liberty of printing did not extend to Roman Catholics, she explains that his intolerance was based as much on political necessity and on the Catholic practice of censoring books as on religious dissent.

I am hesitant to report these conclusions in this cursory way, because Milton—the most learned of our poets—was nothing if not subtle, and each of these questions occupies many pages in Lewalski's large volume. I mean only to say that a biographer is bound to put forward all the evidence (as Lewalski does), whereas polemical critics tend to pick and choose among Milton's remarks to find those they consider most damning ("He for God only, she for God in him"; "I mean not tolerated Popery"). Anyone reading Lewalski will acquire a much enlarged knowledge of Milton's opinions and actions, all closely supported by quotations from the poet himself and from contemporaries.

MILTON HIMSELF NEVER dwelled at length in his prose on the many private tragedies of his life. He noted in taciturn fashion in the pages of his family Bible the deaths of two wives, Mary Powell and Katherine Woodcock, and two children, his daughter Katherine and his son John. (Another daughter, Anne, was lame and perhaps otherwise handicapped; she never learned to write.) Milton left no record of the length or the nature of his imprisonment after the Restoration. He did describe his blindness in a letter, but only because a friend wanted to convey his symptoms to consultant physicians abroad. He saved his griefs for his poetry, where he alludes to his blindness in heartbreaking terms, both in *Samson Agonistes*—"Eyeless in Gaza, at the mill with slaves"—and in *Paradise Lost*:

> Thus with the year
> Seasons return, but not to me returns
> Day, or the sweet approach of even or morn,
> Or sight of vernal bloom, or summer's rose,
> Or flocks, or herds, or human face divine;
> But cloud instead, and ever-during dark
> Surrounds me, from the cheerful ways of men
> Cut off, and for the book of knowledge fair
> Presented with a universal blank
> Of nature's works to me expunged and razed,
> And wisdom at one entrance quite shut out.

The poetry is also where we find his inmost responses to his political disappointments and dangers. An accurate biography of Milton, then, must include evidence from the poetry, and read it rightly.

Perhaps unavoidably, it is the political and theological Milton who dominates Lewalski's biography, as she tracks, year by year, his continued arguments for a republican government, for religious toleration, for liberty of the press, and for the sort of education that would produce virtuous and enlightened citizens. To read quotations from these eloquent tracts while knowing that all of Milton's political hopes are going to collapse darkens every page with the shadow of futility and tragedy. At the same time, to read Milton's virulence in attack (repaid by his enemies with equal virulence against his person) is to wonder at the way he kept in check, when writing poetry, the savagery of temperament (or at least of rhetorical person) that he exhibits in the tracts.

Lewalski never quite addresses, in psychological analysis, the question of Milton's temperament, except to insist (against easy psycho-biography) that Milton constructed, for every polemical occasion, a self-portrait and a style of writing germane not only to the opponent whom he was facing, but also to the genre of polemic in which he was engaging and to the occasion warranting the tract. While it is undoubtedly true that Milton was a consummate rhetorician, and that the style of the day gave warrant for gleeful and mendacious abuse of enemies, it is also true that we recognize great contained force in all of Milton's writing, even in the barest texts (perhaps especially the barest).

It would have been within Lewalski's brief to offer us her own comprehensive sense of Milton's personality and internal motives as well as of his actions. For there is a baffling interplay in Milton of delicacy and brutality, ambition and humility, abstraction and sensuousness, affection and harshness. His more extreme postures of righteousness can be off-putting even to sympathetic readers; and though this stance can be explained by his sense of himself as a vehicle of God's word rather than of his own, it is only a particular temperament that could speak, as he often does, in tones of supreme self-justification, undeterred by doubts or second thoughts.

THE CONFINED half-chapters devoted in Lewalski's book to Milton's writings forbid a full consideration of his complex works. *Paradise Regained* and *Samson Agonistes* can just be covered, *Paradise Lost* hardly so. Lewalski's syntheses are detailed and acute, though they are devoted more to plot and character than to language. Her long-standing interest in Milton's genres (Flannagan calls her "the modern master of genre") admirably organizes her views, as in her description of Milton's revision of Greek drama in *Samson Agonistes*, when she convincingly shows how Milton makes tragedy a matter of interiority rather than of hubris or event.

Still, there is not sufficient discussion here of Milton as a poet of experimentation in language (in contrast to Milton as a thinker, or Milton as a storyteller of plot and a creator of characters, or Milton as a genre-reviser). The poems do indeed include strong opinions and multiple stories and many genres; but they would not succeed without their extraordinary language: an idiolect of one, as Milton was said to have been all by himself a sect of one. Perhaps a biography simply could not include an analysis of Milton's personality through his poetic language; but that invented language is the most intimate route to his mind, if also the subtlest and the most elusive. Specialized studies have been made of Milton's metrical art, of his "auditory imagination" in creating his "organ tones," of his roll calls of historical or geographical names, of his specialized "colorless" diction for God the Father, of his epic similes and his allusions, of his terms of architectonic vastness for both space and time, of his "grand style," and of his practice of generic "decorum" (in which the language is fitted to the genre in which it appears). But what do all these characteristics of his language add up to as delineators of his temperament?

A proper analysis of Milton's language and his style would need to make a synthesis of all his experiments, from the early poems written in his teens to his bizarrely different two last poems, the plain-style, blank-verse, single-narrator *Paradise Regained* and the ornate, partially rhymed (but mostly unrhymed) speeches and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

choruses of *Samson Agonistes*. It is not known which of these two late works, which were published together in 1671, is Milton's last poem. Did he die (imaginatively speaking) as Jesus, quietly returning to private life in his mother's house, after vanquishing Satan in the wilderness; or did he die as Samson, his strength returned, victoriously pulling down the Philistine temple, annihilating himself and his enemies? Or should we see these two final efforts as symbolic of Milton's own unresolved and divided self, part private poet, part actor on the public scene?

STANLEY FISH DOES not think that Milton had a divided self at all: in his view, such a notion is a Romantic misreading. Fish's Milton is a single-minded person who writes a single plot over and over, in which a protagonist is tempted by something—woman, power, ambition—and always decides that the temptation is unreal, since only God is real. Lewalski is an equable scholar, but Fish (as is his wont) is a gadfly.

Fish's strange new book is a compilation of previously published essays, bracketed by two added chapters both fore and aft, as well as by an introduction and an epilogue. The essays date from 1969 to 1995, and neither they nor the recent chapters suggest anything methodologically new in Fish's approach to Milton, which was first displayed in *Surprised by Sin*, his study of *Paradise Lost* that appeared in 1967. That book was much noticed in its day, because it was in the vanguard of the contemporary "reader-response" model of literary criticism. According to that model, a literary work is less an objective text with determinable signification than a set of stimuli that provoke varying responses in the subjectivity of various readers. The reader becomes a virtual co-creator of the work. In *Surprised by Sin*, Fish tracked the putative responses of "the reader" to Milton's lines as the reader (according to Fish) encountered them; and he alleged that Milton was always enticing the reader into a sinful response, subsequently (and humiliatingly) corrected as the reader came to understand how he too, like Adam, had been "surprised by sin."

The editor of *The Riverside Milton* asks: "Is [Milton's] narrator, as Fish believes, playing a cat-and-mouse game to entrap the reader?" And he answers: "I do not believe ... that Milton would stoop so low as to practice entrapment on his reader." Nor do I. Though Fish has more experience of Milton than I do, it seems odd to me that Fish's putative reader seems never to have heard of Christian theology. Thomas Aquinas supposed a full and unfallen conjugal sexuality in Eden, and Milton certainly believed in the irreproachable purity of sexuality within Christian marriage. In Fish's construction, however, the reader of Milton has no doctrinal understanding, nor personal experience, of blameless ("unreproved") sexual conjunction.

Here is a passage (in modern spelling, like all others that I cite) analyzed by Fish in *Surprised by Sin*. It recounts a conjugal embrace in Eden between Adam and Eve:

> [Eve], with eyes
> Of conjugal attraction unreproved,
> And meek surrender, half embracing
> leaned
> On our first Father, half her swelling
> breast
> Naked met his under the flowing gold
> Of her loose tresses hid; he in delight....

Fish comments that "a pure sexuality is unavailable to us in our present state," directly contradicting Milton on married sexuality: Milton said that marriage "is the nearest resemblance of our union with Christ." What would he then make of Fish's view of Adam's embrace of Eve?

> A pure sexuality may seem a contradiction in terms, but only because it is unavailable to us in our present state; and here the psychological effects of our loss manifest themselves in an attempt to bring Adam and Eve down to our level. The reader will ... warm to this demonstration of sinless love-making with a body and mind infected by sin.... [There is a] sudden introduction of a third perspective: [When Adam presses on Eve "kisses pure"] ... "aside the Devil turned / For envy, yet with jealous leer malign / Eyed them askance."

We have met the devil: and he is us.

Fish continues: "The reader is alerted to the contrast between the 'kisses pure' and the impurity of the voyeur's response and is forced to acknowledge whatever part of that response he shares." Then Fish enters a qualification: "No reader, of course, is the devil, and few readers will actually leer, but the Satanic perspective is uncomfortably recognizable as one we can at least understand, whereas we cannot understand innocence at all." Thus "entrapped" by Milton's art into being mini-Satans, we read pure kisses in Eden as if they were soft porn; and then—rebuked by recognizing our aroused selves in the mirror of leering Satan—we are forced, convicted of sin, to correct our "fall." And what would Milton make of Fish's remark that "we cannot understand innocence at all"? What Fish means, I suppose, is that we understand it negatively (as we understand such concepts as immortality or invisibility); but theology, philosophy, and poetry would be entirely impoverished if denied such understanding-by-contradiction.

OVER AND OVER I find myself saying after reading one of Fish's analyses, in *How Milton Works* as in *Surprised by Sin*, that this is not the way that I would read it. Fish assumes that his putative reader is Everyman, but he is only EveryFish. All critics must believe in the rightness of their own view (otherwise why bother asserting it?); but they need to give evidence more convincing than Fish's intuition that "you, Reader, react just as I do." Of course, Fish's readings such as the one of the Edenic embrace are meant as such "evidence"—but he is impervious to counter-argument. If he presumed two readers rather than "the reader," we might come to believe him more readily.

In his new book, Fish grafts onto his earlier articles (which repeat many of the moves of *Surprised by Sin*) an analysis of Milton's supposed hatred of "liberalism," and summons Milton as his ally against this error.

> It is the project of liberalism to step back from the beliefs and commitments (which it calls biases and prejudices) of particular, angled forms of life so that in the light of a perspective larger and more inclusive than any one of them, disinterested conclusions—conclusions that are faithful to the imperatives of Rationality—can be generated. It is my contention (and of course not mine alone) that no such stepping back is possible.

Milton's plots, Fish announces, come down to one plot: the anti-liberal one. There are not many points of view, there is only one point of view, and it is God's, and one must always choose it: "Within the assumptions of Milton's theology, there is only one choice—to be or not to be allied with divinity— ... and what might appear to be a succession of different situations is in fact the same situation wearing the thin disguise of temporal variation." Fish's book pursues this "same situation"—in which a protagonist chooses God—throughout Milton's poetry, finding it successively in each major work.

Again and again Fish triumphantly penetrates the "thin disguise" of each different story to find the true (and expected, and repetitive) core. The book becomes dreadfully predictable. This could be borne, perhaps, if the thesis as argued struck one as true. Yet Fish has a peculiar idea of what it means to be "allied with divinity": it means losing one's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

individuality. "Liberalism" (according to Fish) believes that one can, by philosophic reasoning, step outside one's individuality; but this being impossible, Fish instructs us that we must accept the notion that he ascribes to Milton, that submergence in God is the only alternative to individual vested interests. Not believing in God, we moderns lack that option; and so we are fatally and irretrievably encapsulated in the positions imposed on us by our education and culture. Therefore liberalism (with its professions of "toleration," "rationality," and "cultural relativism") is a sham.

In a recent book called *The Trouble With Principle*, Fish describes—with his usual reader-baiting panache—the interest group to which he belongs as "that formed by persons with advanced degrees, tenured positions, vacation homes in the mountains, second wives, and fancy foreign cars." It is from this set of vested interests, presumably, that Fish's opinions on Milton derive. But are they Milton's opinions? To Fish, the question must be meaningless, since there is no way for him to step outside his own interests in order to see Milton.

I will limit myself to a single example of Fish's aberrant reasoning. After death, according to Milton (in his poem "Lycidas" and elsewhere), one joins a celestial chorus praising God, adding one's voice to the choir. Fish interprets this as the forsaking of selfhood: "The wish that we may join that choir is the wish that we *not* be heard as a distinctive and therefore alienated voice, the wish that we might utter sounds in such a way as to remain silent (unexpressive)." Now, the word "unexpressive"—quoted by Fish from "Lycidas," in which the dead youth "hears the unexpressive nuptial song"—is usually glossed as "inexpressible," "beyond the power of human speech to convey." It cannot in this context mean "silent," as Fish well knows; there would be no choral music if it meant "silent." In every choral effect, there are many "distinctive" voices (low, high, piercing, mellow, "white," "dark," and so on). That these voices make harmony together does not remove their distinctiveness. Christianity has long celebrated symbolically the distinctiveness and individuality of evangelists and saints; and Lycidas is entertained in heaven by "all the saints above, / In solemn troops, and sweet Societies"—groups resembling (as the Miltonist Rosemond Tuve once remarked) the student societies that Edward King, the Lycidas of the elegy, had left behind in Cambridge. Society in heaven is formed on the analogy of society on earth. No theologian, so far as I know, has ever said that to love God one has to be faceless or without individuality.

Fish likes being an *enfant provocateur*, inventing egregious questions, demanding an either/or of his texts, exposing the nakedness of a critical emperor, harassing received opinion. He shakes up his readers with these tactics; and in the past he has often been stimulating to read (while sometimes playing fast and loose with texts). But his style has coarsened here. In their panderings to the demotic moment, some of these pages sound like tapes of a lecturer desperate to engage undergraduates.

In the beautiful, sorrowing opening lines of "Lycidas," Milton's elegy on youth cut off before its promise can be fulfilled, the speaker is a shepherd who, as he plucks immature sprigs of plants symbolic of poetry, mourning, and immortality, tells the plants that he feels too young to take on the act of writing that they represent:

> Yet once more, O ye laurels, and once more
> Ye myrtles brown, with ivy never sere,
> I come to pluck your berries harsh and crude,
> And with forced fingers rude
> Shatter your leaves before the mellowing year.
> Bitter constraint, and sad occasion dear,
> Compels me to disturb your season due:
> For Lycidas is dead, dead ere his prime
> Young Lycidas, and hath not left his peer.

Here is Fish's paraphrase—exaggerated and vulgar—of the youth's reflections on taking up his song earlier than convention would allow:

> The speaker simply bursts in and starts talking without so much as a by-your-leave. To be sure, he does acknowledge the breach of decorum—I'm "crude," I'm "rude," I'm speaking before my turn and without regard for your timetable, I'm shattering your leaves before the mellowing year—but the apology is also a boast: I *can* be crude, I *can* be distinctively unpolished, I *can be out of sync with your rules and conventions*.... It's payback time; you've disturbed my season—I'm going to disturb yours. So there!

As this passage demonstrates, Fish does not care much for the poetry of Milton's poetry. He is not even accurate in his paraphrase. It is the berries, not the speaker, that are harsh and "crude"; and the fingers that are "rude" are so not of their own volition, but because they have been "forced" by Fate into their premature plucking. And it is not the leaves and the berries that have "disturbed [the] season" of the youth; it is, rather, the Fate that has drowned his friend.

To cite another instance of linguistic disregard, the reader would never know from Fish's account of "how Milton works" in the masque *Comus* that there are all sorts of different rhymes and line lengths in the poem, and a mixture of speeches and songs; nor that these variations in expression have anything to do with what is being expressed. In Fish's book, a grim reduction to theme (always the same theme) tailors all of Milton's work to the one outline: "It is the energy of these always doomed attempts to match or overgo or evade God that fills up the space of Milton's work. Typically he gives these attempts full reign [*sic*] ... before [he] brings all the 'magic structures' ... tumbling down."

Fish is misleading in calling his book *How Milton Works*. If it had been called *Milton's One Move*, the reader would have expected less, and come away less disappointed. It is, after all, Milton's actual language—which Fish refers to as a "thin disguise" over the basic plot—that gives the poems at least one-third of their compelling distinction. Milton himself, even at nineteen, would not have thought of his work as poetry had he not taken as much care with his language as with the other two contributing intentions, his imaginative conception and his pursuit of truth.

When he was nineteen, Milton wrote a prayer to one of his poetic divinities, his "native Language":

> Hail native Language, that by sinews weak
> Didst move my first endeavouring tongue to speak....
> Haste thee straight to do me once a pleasure,
> And from thy wardrobe bring thy chiefest treasure;
> Not those new-fangled toys, and trimming slight
> Which takes our late fantastics with delight,
> But cull those richest robes, and gayest attire
> Which deepest spirits and choicest wits desire.
> I have some naked thoughts that rove about
> And loudly knock to have their passage out;
> And weary of their place do only stay
> Till thou hast decked them in thy best array.

The picture of the young poet's mind, thronged with "naked thoughts" that cannot be let out until they are decked in the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

best array that vernacular Language can muster, confirms what inadequate things, to any poet, thoughts seem when considered in isolation. Fish, in relegating the poetry of Milton's poems to invisibility, renders them destitute and mechanical things. It is true that Milton resorts to the metaphor of separable clothes and thoughts in speaking about his work; but he by no means thinks of the thoughts as sublime and the clothes as workaday coveralls. He ranges through the wardrobe of language seeking its richest robes, those that satisfy deepest spirits and most refined intelligences. Does all this ranging, and all this choosing, count for nothing?

Lewalski, even in the brief space at her command for such things, is careful to describe all Milton's poetic experiments in genre, rhyme, prosody, syntax, rhetoric, and stanza form; and to give, when she can, reasons for their existence. She never forgets that, for all his polemics and tracts and expostulations and theology, Milton exists to history above all as a poet, who forged a burning concentration of mind with a new linguistic music to create a "native language" of unforgettable idiosyncrasy and power. It goes without saying that anyone writing about Milton should understand the history of his time and the distinctiveness of his theology. Yet Milton made poetry of historical fact and poetry of theological speculation.

Milton made what Stevens called "the poetry of the idea" out of the bald idea. And it goes even more without saying that what Stevens called "the poetry of the words" must be recognized hand in hand with "the poetry of the idea," especially now that Milton's theology and politics are no longer the crucial issues they were when the poems were written. Taken one by one, the poems are still sites of imaginative power, psychological insight, moral dilemmas, and linguistic originality; and taken all together, to our mixed frustration and delight, they remain a galaxy glowing beyond the optic powers of any single scholar. ■

The Way to the Light

By INGRID D. ROWLAND

Sandro Botticelli: The Drawings for Dante's Divine Comedy edited by Hein-Thomas Schulze Altcappenberg

(Harry N. Abrams, Inc., 360 pp., $75)

THE QUALITIES THAT have made Sandro Botticelli one of the best-loved artists of the Italian Renaissance are exactly those that have made him one of the most detested: the crisp draftsmanship coupled with incredible anatomical distortions, the lacquer-like polish of his figures, the sinuous elaboration of his draperies, the sway and swagger of his poses. In a viewer's eyes, they add up to either a piercing vision of penetrating beauty or an overbearing blast of painterly rhetoric.

Botticelli was a perfect match for the hothouse atmosphere of Florence in the late fifteenth century, when the Medici family proclaimed the republican traditions of ancient Rome while sporting like knights and damsels of the troubadour age; and his art captured their way of life in all its contradictions. Botticelli was as popular in his own day as he would be in subsequent centuries, and owing to this popularity he managed his affairs like any other canny businessman, as indeed he needed to do in order to survive. Among the choices that he made as a businessman, none may have been as significant as his decision in 1482 to leave the patronage of Lorenzo de' Medici, the *de facto* lord of Florence.

Although his name has come down to posterity coupled with the sobriquet "the Magnificent," Lorenzo di Piero de' Medici did not strike his contemporaries as nearly so beneficent a patron of politics and the arts. His cult was in fact established in the early sixteenth century, as part of a propaganda campaign to give legitimacy to the reign of a distant relative, the infinitely more competent Cosimo I, who came to power in 1537 and was granted the title of Grand Duke of Tuscany in 1569. Botticelli, for one, was unimpressed with Lorenzo's magnificence. He had worked for the Medici magnate in the 1470s, but after a two-year sojourn in Rome in 1481–1482 to help decorate the walls of the brand-new Sistine Chapel, the painter left Lorenzo's employ to work instead for Il Magnifico's younger and more munificent cousin, Lorenzo di Pierfrancesco.

This choice, needless to say, had decisive political ramifications. Lorenzo di Pierfrancesco did not lack for ambitions of his own, and Horst Bredekamp's compelling essay in this beautiful volume suggests that among the paintings Botticelli would execute for his new patron were several whose ostensibly mythological subjects in fact expressed distinct agendas for contemporary Florence: paintings such as the *Primavera* and *Pallas and the Centaur* of 1485, and *The Calumny of Apelles*, painted a decade later (and not discussed by Bredekamp in this context), the first an expression of newborn hope, not only for springtime but for a political renascence; the second an image of political education; and the last a scathing portrait of slander.

BY FAR THE most ambitious undertaking to occupy Botticelli during his service with this second Lorenzo, however, was a series of illuminations that were meant to adorn a sumptuous manuscript copy of Dante's *Divine Comedy*, the epic poem (completed circa 1321) by a Florentine exile that granted consolation on a cosmic scale for temporal woes. What Dante's masterwork may have meant to Lorenzo di Pierfrancesco is impossible to determine in the absence of concrete evidence. First an exile from the inner circle of Medici politics, and then a literal exile in 1494 when he and his brother sided against their powerful cousin with King Charles VIII of France, this younger Medici may have drawn solace from Dante's sweeping vision of a higher order beyond the confines of Florence and from the poet's biting sense of vengefulness.

What *The Divine Comedy* meant to Botticelli can be seen in the extraordinary set of drawings to which he devoted at least the next fifteen years of his life. None of these drawings was ever fully colored; some of them are now lost; and all of them are not only remarkably beautiful, but also intellectually fascinating. It is safe to say that Botticelli "read, learned, and inwardly digested" his Dante as no artist has ever done before or since.

Originally destined for a single, incomparably rich manuscript, this Medicean

INGRID D. ROWLAND is the author most recently of *The Culture of the High Renaissance* (Cambridge University Press).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

COURTESY HARRY N. ABRAMS, INC.

Sandro Botticelli, "Inferno XVIII"

Dante has been split up, some of its pieces lost (if they ever existed), the rest preserved in three different venues: the British Library, the Vatican Library, and the Kupferstichkabinett in Berlin. A traveling exhibition, appropriately mounted in Berlin, Rome, and London, recently brought all these pieces back together temporarily, and the accompanying catalogue, with excellent photographs, commemorates the reunion more durably. Although the book is no substitute for the tactile and visual joys of cream-colored, velvet-textured vellum—the highest grade of parchment—it is a lovely object in itself, in which we can see (with the help of a meticulous essay by Doris Oltrogge, Robert Fuchs, and Oliver Hahn) the preliminary scorings made by Botticelli's silver-tipped pen, the varying weights and colors of his inks, and the touches of color applied to the chart of Hell and to three of the illustrations.

The original scheme called for Botticelli to supply one illustration for each canto of Dante's epic poem, all executed on the smooth side of the parchment (originally the underside of the sheepskin). The rougher, hairy side of each folio bore Dante's text, written in a neat humanist hand, the close relative of our own typefaces. At some point during the course of the project, Botticelli drew a complete chart of the *Inferno* on a separate sheet of parchment. (It is the subject of a separate essay by Giovanni Morello.) Dante's Hell is a downward-spiraling vortex with Satan at its icy core. This Inferno burns only on the outskirts; its heart froze over when the angels fell from Paradise.

Some of the full-scale drawings for the *Inferno* have now disappeared, but the chart provides us with smaller-scale, sketchy versions of what Botticelli must have drawn to full size on the missing folios. By means of enlarged details of this chart, the catalogue guides readers through those cantos of the *Inferno* whose illustrations have gone missing. Each folio comes accompanied by a synopsis of the canto and a careful analytical description of what Botticelli has done; where the ink is light and the drawing tentative, these hints are essential for understanding what we see. Frequently we are also shown how other illuminators have handled the same canto (as we are also in the separate essays by Julia Schewski and Peter Keller). All told, this guided tour through *The Divine Comedy*, both of Dante Alighieri and of Sandro Botticelli, is an enthralling journey.

The single image that is missing altogether would have been Botticelli's rendering of *Paradiso* XXX, Dante's ultimate vision of Heaven as a celestial rose, a transcendent apparition of the Virgin Mary. Instead the artist used the folio that might have been devoted to this picture for half of Satan, whom he spread across a two-page foldout, with clawed toes, long hairy shanks, gaping mouths—three of them—and a furry navel that forms the center of many things: it is the central point of the *Inferno* itself and of this picture of Satan, but Satan's umbilicus is also the pivot around which the whole *Comedy* revolves, together with Botticelli's illustrations of it. Up to this moment, Dante and Virgil have descended until they have reached the nadir of Earth and evil; ever afterward they shall climb, until Virgil can climb no more and Beatrice must take over from him. Human perversity, of course, prompts us to relish visions of Hell more readily than those of Heaven: hence Botticelli traces every curl on his shaggy Satan with evident glee, more glee than one can ever imagine him expending on the ethereal rose petals of Paradise.

Some of the characteristic traits of Botticelli's style show in these drawings to a greater advantage than in any other work that he undertook. The acerbic clarity of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

his figure-drawing picks out the writhing demons of the *Inferno* in ingenious detail. The same delicacy of line allows him to depict souls in Hell and Paradise as tiny flames, some opening like buds to disclose tiny human faces. His arabesque draperies have never seemed so appropriate as they are on the saintly Beatrice, wafting a more angular, heavy-robed Dante toward heaven. The exaggerated postures and gestures that can seem so annoying in his large panel paintings (such as the histrionic *Lamentation* or the pathetically overeager angel Gabriel in the *Annunciation*) work here to draw pointed—and sometimes profoundly insightful—attention to the great poem.

BOTTICELLI IS ONE of the most overtly intellectual—indeed, academic—of painters. This is why, like Poussin, he has always appealed in disproportionate measure to art historians. Sometimes his learning seems to get in the way of his painting: since works like *The Birth of Venus* and the *Primavera* were meant to exclude profane viewers such as ourselves from the intimate mysteries of the Medici's closest circles, they remain deliberately, ostentatiously impenetrable, and perhaps he cannot be faulted for making them so.

The Calumny of Apelles, on the other hand, is a prime example of academic excess. It marks Botticelli's attempt to recreate a famous ancient painting from its description in a dialogue by the ancient Greek writer Lucian. Apelles, court painter to Alexander the Great, worked in an entirely different tradition from that of late fifteenth-century Florence; he used different paints, different standards of beauty, different conventions for portraying figures, and Botticelli would have had virtually no way of knowing what those different traditions were. And yet they probably made a crucial difference in the success of the painting, notably because Apelles would have placed his figures against a minimal background, whereas Botticelli masses his crowd of characters against an elaborate perspectival backdrop. The backdrop shows his virtuosity at creating spatial perspective, but it distracts fatally from the complex actions carried out beneath its lofty, elaborate vaults. The painting, like Apelles's original, is meant to present a scathing anatomy of slander: it shows an innocent man stripped of both clothing and reputation being dragged before the tribunal of a donkey-eared judge as Truth, ignored, looks imploringly to Heaven. In Botticelli's case, however, the drama of the scene has been lost in the press of its details.

Yet what better artist than a bookish one to illustrate a great book? Botticelli was, among other qualifications, one of the most attentive and most perceptive readers that Dante has ever had. As a result, his deep familiarity with *The Divine Comedy*, and his instinctive grasp of its larger meanings, make him an illuminator in every sense of the word. Over and over again, the artist's acute perception, the sharpness of his mind's eye, shows in the way his drawings go beyond the often spare indications of the poem itself to provide their own key to its interpretation.

The relationships between Dante and his two guides, Virgil for the underworld and Beatrice for the empyrean, are drawn with particularly vivid sensitivity. Virgil's lordly purple robe and flowing black beard proclaim him as more than a poet; he is a magus, too—a grand, physically imposing magus whose strong build comes in handy again and again to prop Dante up when the latter faints or stumbles at the tragedy, the horror, or the wicked grossness of what he sees. Virgil's assignment as guide to the infernal realms, as it turns out, entails a good deal of heavy lifting. But his more onerous task requires strength of quite a different kind: the mental and moral strength required to instruct Dante in the intricate ways of Hell and Purgatory. Virgil knows them all. He can identify each of the miserable sinners by name, sweet-talk the winged monster Geryon into carrying two human passengers on his scaly back, or slip down the byways of Hell as swiftly as a cat burglar.

Tragically, however, Virgil's knowledge failed him in one essential respect when he was alive on earth. He died too soon to have known the gospel of Jesus, who was as yet unborn but whose advent, Dante believed, was already implied in one of Virgil's poems, the Fourth Eclogue, which was written about 40 B.C.E. Virgil's poetic salute to the imminent birth of a miraculous boy-child had been taken in the Middle Ages as proof that the great Roman poet had been an *anima naturaliter christiana*, a "naturally Christian soul." In the more prosaic eyes of modern classicists, the poem was written to honor the child of the future Caesar Augustus—but its vision of an imminent Golden Age was so compelling and so universal that the eclogue survived handily when that miraculous baby boy turned out instead to be a girl named Julia.

In Dante's own credo, Virgil's lack of knowledge, his inability to accept Christian salvation despite the fact that it could not yet be formulated, excluded him categorically from Paradise—to the Christian poet's unending distress. The undeserved bleakness of this wise Roman's fate is one of the great sadnesses, perhaps the surpassing sadness, of the many that suffuse

CASS R. SUNSTEIN

ONE CASE AT A TIME

JUDICIAL MINIMALISM ON THE SUPREME COURT

"With his new book, Sunstein joins a distinguished line of liberal constitutional theorists who have defended the democratic value of judicial modesty... [*One Case at a Time* is] uniquely well-suited to an age that has lost its constitutional faith...No other scholar has captured the temper of the current majority as neatly as Sunstein, nor has anyone else attempted to provide a theoretical justification for what other observers took to be ad-hockery or improvisation. For these reasons, Sunstein's book deserves close attention."
—Jeffrey Rosen,
NEW REPUBLIC

$18.95 paper

HARVARD UNIVERSITY PRESS
www.hup.harvard.edu • 800 448 2242

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dante's epic. Virgil himself wrote, *Sunt lacrimae rerum/et mentem mortalia tangunt*, "There are tears in things/and mortality touches the mind." With Virgil as his guide, Dante, too, acknowledged the tears in things with brutal candor.

As Botticelli's work on *The Divine Comedy* stretched into the era after Lorenzo il Magnifico's death in 1492, his circumstances changed, as did those of his city. Lorenzo di Pierfrancesco was exiled from Florence in 1494. When he returned in November of the same year, he changed his name from Medici to Popolano, or Man of the People; and at about the same time the city began to fall under the sway of the firebrand Dominican preacher Fra Girolamo Savonarola. Other Florentines called Savonarola's followers *piagnoni*, or snivelers, as they were given to loud and weepy repentance for their sins. For four years, the snivelers threw their most luxurious possessions into bonfires of the vanities, until Savonarola himself became the vanity that the Florentines chose to do without, and they burned him at the stake for heresy in 1498.

Botticelli's most influential biographer, the sixteenth-century painter, architect, and writer Giorgio Vasari, reported that the painter had joined the *piagnoni*, tossing his mythological paintings into Savonarola's bonfires in woeful chagrin at their pagan content. (This dramatic picture of Botticelli among the weeping penitents was further reinforced in the nineteenth century by George Eliot in *Romola*, her vivid novel of fifteenth-century Florence.) Yet Vasari never hesitated to include a little instructive fiction among his facts. His *Lives of the Artists*, which appeared in 1568, too often taken as a reliable history of art and artists, is better seen in company with Benvenuto Cellini's contemporary and equally entertaining *Autobiography*, whose fictitious content is more immediately apparent. As Horst Bredekamp and, especially, Damian Dombrowski sharply point out, the evidence for Botticelli's career as a "sniveler" is extremely slight, and Dombrowski deftly refutes the common interpretation of Botticelli's early sixteenth-century *Mystic Nativity* in a Savonarolan vein.

Were there reason to look for Savonarola's message of hellfire and damnation in Botticelli's Dante, his *Inferno* drawings would be the most likely place to find it, but they were probably completed, to the extent that they ever were completed, some time before Savonarola's rise to influence. Besides, Florence was long accustomed to stern preachers and harsh events—as, for example, in 1478, when a conspiracy backed by Pope Sixtus IV drove a cabal of disgruntled Florentines to assault Lorenzo il Magnifico and his brother Giuliano in the city cathedral during the celebration of mass. They decided to attack, in fact, at the very moment when the priest (a cardinal, no less, and the pope's nephew) elevated the Host. Lorenzo, as luck would have it, escaped with minor wounds. His brother Giuliano was butchered. In the aftermath of this fiasco, when Giuliano lay dead and the throttled conspirators hung upside down from windows in City Hall, Botticelli was hired to paint portraits—mug shots—of the conspirators on the façade of the police station, better known today as the elegant Palazzo del Bargello. Before Savonarola's harsh voice ever began to thunder through the *piazze* of Florence, Sandro Botticelli, the painter of lyrical mythologies and effete saints, had already revealed himself as a Florentine no less hardheaded than any other, Dante and Savonarola included.

As for Paradise, how would we distinguish the Paradise of a "sniveler" from that of any other devout Christian in late fifteenth-century Florence? In the case of Botticelli, the distinction is probably impossible to make in the first place, because his solution to portraying Heaven is so entirely individual. And like Paradise, Beatrice presents the artist with a challenge of a different order than the meticulously catalogued, exquisitely revolting punishments of the *Inferno*. Sublime beauty, as we all know too well, seems congenitally destined to run the risk of blandness, or, as tastes change, of sheer incomprehensibility. It is no accident that the most famous section of Dante's *Divine Comedy* has always been the *Inferno*, or that his near contemporary Andrea da Firenze's painted afterlife in the Florentine church of Santa Maria Novella (1365–1368) is infinitely more arresting for its lurid sinners than for the ordered ranks of the angels in Heaven.

Botticelli deftly avoids this pitfall of Paradise by concentrating our attention on the way in which Dante and his long-lost lady interact with each other in the celestial realms, through the position of their hands and the direction of their glances. Whether or not we think that Beatrice is beautiful, Dante does; and, after all, nothing else matters. Botticelli's *Paradiso* drawings also play a brilliant game with the relative sizes of Dante and Beatrice. She begins the *Paradiso* as a virtual giantess; but as the pilgrim Dante becomes ever more enlightened, he grows larger, to approach his lady's physical as well as spiritual stature. At the same time, in another sign of Botticelli's sure illuminating touch, he begins to dare look his beloved in the eye, and she in turn deigns to look straight back at him.

But this self-contained lovers' rapture will not suffice for either Dante or Botticelli as an image of heavenly bliss. In Canto XVIII, Beatrice sets Dante straight:

> *Vincendo me col lume d'un sorriso,*
> *ella mi disse: "Volgiti e ascolta,*
> *ché non pur ne'miei occhi è paradiso."*
>
> Ravishing me with the brilliance of a smile
> She said to me: Now turn around and hear;
> For Paradise is not within my eyes.

Gently, Botticelli's Beatrice, still much larger than her charge, wraps a maternal arm around Dante and turns him toward the light of Heaven, so intense that the poet shields his eyes. But Dante is a quick study; and in a second moment Botticelli shows him literally growing as he faces the divine radiance, the real love that moves the spheres as well as human hearts. Of this vision of Paradise itself we see no more than the schematic curve of Heaven's vault; instead Botticelli loads all the scene's significance on Dante's reaction to it.

For many of the *Paradiso* drawings, this interaction of the loving poet and the beloved muse is almost all that Botticelli shows. He reduces the rest of Heaven to spare circles, as if the vision of ultimate beauty were better entrusted to our own imaginations. By making such a choice, he reveals not only a hesitant artist's retreat from an impossible task, but also an intellectual artist's awareness of the Neoplatonic ideas that were circulating in late fifteenth-century Florence, and indeed in all of Italy, thanks to the silver tongue and silvered pen of the Florentine physician-philosopher Marsilio Ficino. To Ficino, the world itself was an imperfect image of a higher reality. The most acute organ of sense was the human soul's inner vision. Brilliantly, Botticelli's illustrations of Paradise force us to see it as Ficino recommended that we should see it, not through our eyes but through our souls' contemplations. In effect, Botticelli's decision to block our eyes by showing us little more than Dante and Beatrice allows us to give free rein to the mind.

The most overtly artistic passage in the text of *The Divine Comedy* (the prime subject of the essay by Andreas Kablitz) occurs at the midpoint between Heaven and Hell, on the first terrace of Mount Purgatory. Here, in Cantos X–XII of *Purgatorio*, Dante creates word-pictures to describe a set of bas-reliefs set in the terrace walls for the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

COURTESY HARRY N. ABRAMS, INC.

Sandro Botticelli, "Paradiso XXIV"

edification of those souls who need to be purged of the sin of pride. This is the vice to which Dante apparently recognized his own susceptibility, and he devotes particular attention to its castigation. As for the reliefs themselves, they are necessarily carved by God; but in imagining their appearance Dante may well have been thinking back to his own visit to Rome, and of the relief carvings that spiral around the colossal marble columns of Trajan and Marcus Aurelius, two of the Roman Empire's most worthy emperors. Trajan, in fact, was the single pagan who had actually been raised out into Heaven, thanks to the prayers of Pope Gregory the Great, who believed that this good emperor deserved to be rewarded for his goodness and pressed God to make it happen until at last the Almighty agreed to the transfer. But God forbade any further efforts to undo the ways of Heaven and Hell. As a result, Dante, the pious poet, dared not claim the same power to move Virgil to kinder climes.

If Dante's descriptions of the sculptures in Purgatory make them sound like Trajan's Column, Botticelli's illustrations of the same cantos still more emphatically show their own debt to these famous ancient Roman reliefs. He had seen them when he was in Rome painting the Sistine Chapel, and used their gracefully massed figures for some of his own crowd scenes on the Sistine Chapel walls. In his eyes, as in Dante's, there must have seemed no art closer to God's own handiwork than these relics of an ancient empire. Here Dante the poet of word-pictures and Botticelli the illuminator of Dante challenge each other directly, and at the same time each throws down his own challenge to the ancients, who were so elegant in all the visual and verbal arts and yet so lacking in spiritual grace.

Ordinarily, however, the scenes in *The Divine Comedy* that lend themselves best to illustration are not necessarily the most vivid scenes to a reader or a hearer of the poem. One of the most searing episodes of the *Inferno*, Canto XXXIII, involves Count Ugolino della Gherardesca, tyrant of Pisa, whose postmortem rage is still so raw that he has been condemned to gnaw away at the head and to devour the brains of the Pisan archbishop Ruggieri degli Ubaldini. This prelate, after helping to depose Ugolino in 1288, clapped him into prison with his two sons and two grandsons, and then shut the door. By 1299, they had all starved to death. When the cell was opened, it became clear that Ugolino, the last to survive, had resorted in the end to cannibalism, the sin that the *Inferno* condemns him to repeat in perpetuity.

The story is horrific enough, but what gives Dante's retelling of it such indelible force is a single line, really two words, when Ugolino raises his head from what Dante calls his *fiero pasto*, his "ferocious feast," to converse with the two poets who interrupt him at his perpetual meal:

> *La bocca sollevò dal fiero pasto*
> *quel peccator, forbendola a' capelli*
> *del capo ch'elli avea di retro guasto.*
>
> Raising his mouth from his ferocious feast,
> That sinner wiped it clean along the hair
> Of that same head whose back he'd put to waste.

No phrase in English, and no picture of the scene, Botticelli's included, can ever quite match the hiss and spit, the sheer suggestion, of *fiero pasto*—or capture its connotation of horribly twisted pride, for *fiero* means proud, fierce, and feral all at once.

The final line that marks Dante's and Virgil's emergence from the underworld is equally impossible to duplicate: *e*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

uscimmo a riveder le stelle, "and we went out to see the stars again." Dante carries the soothing finality of this vision on the doubled liquid consonants *m* and *l*, so that once again, the phrase remains marvelously untranslatable. Nor can any illustration capture the words' same sense of time elapsed, or the brilliance of stars imagined. Like any other translation, it can only approximate.

Dante's terza rima, by contrast, however perfect on occasion, however orderly (and often it is anything but), cannot conjure up anything like the calligraphic flames that rise from the coffins of Botticelli's *Inferno* X, punctuated by a Dante and Virgil whose robes provide the only hint of color. The unfinished drawing is hauntingly complete just as it is. Botticelli's sinuous line has seldom mustered such simple grace.

There is a real question to be raised, in fact, about the extent to which coloring these drawings would have enhanced or diminished their power. Not one has been completely painted over. The image that stands closest to completion shows sinners wallowing upside-down in a pool of excrement as sage, solid Virgil and slender, tentative Dante look on, careful to keep their flowing robes clear of the morass. Here we learn that Botticelli envisioned Virgil as black-haired, whereas the uncolored drawings, like the fully colored chart of Hell, suggest that his hair and his beard might have been gray. This rejuvenating detail draws a much closer bond between the poet and Dante, who describes himself in the *Comedy*'s very first words as middle-aged. In effect, then, Botticelli makes their relationship into that of companions, as eventually he will do with Dante and Beatrice. For this learned illuminator, the author of *The Divine Comedy* had earned his own towering status as a sage.

In very different ways, Dante and Botticelli reveal a tremendous gift for creating grand architecture, Dante with a verbal organization that rivals the intricate mental structures of contemporary Scholasticism, Botticelli with a superb grasp of the rather new technique that his contemporaries called *prospettiva*, perspective. The commanding spatial sense that allows the painter to suggest the narrowing gyres of Hell's pit and Purgatory's mountain never fails him, canto after canto, and it is a wonder to behold. Like the famous Florentine painter Giotto, a contemporary of Dante's who figures in *The Divine Comedy* as the latest fashion (and whose fame outlasted Dante's wry predictions of swift oblivion), Botticelli proves his mettle as an artist by drawing, in Purgatory and in Paradise, perfect geometrical forms with an unerring hand. In offering tribute to Dante's greatness, he reveals, in a host of different guises, the greatness of his own artistry. ■

Signs of the Times

By ROCHELLE GURSTEIN

John Ruskin: The Later Years by Tim Hilton

(Yale University Press, 656 pp., $35)

IN THE SECOND volume of John Ruskin's three-volume study *The Stones of Venice*, which appeared in 1853, there is a chapter titled "The Nature of Gothic." It opens conventionally enough, with Ruskin promising to describe the "characteristic or moral elements" of the Gothic; but readers who were familiar with Ruskin's earlier works, *Modern Painters* and *The Seven Lamps of Architecture*, and who had been dazzled by his word-pictures of works of art and scenes of nature, could not possibly have expected a straightforward scholarly description. So when he launched into a bird's-eye tour of the landscape stretching from the Mediterranean to the northern Alps as a visual overture to his subject, they no doubt were delighted.

Such is Ruskin's artistry that he gives readers the capacity to see as they have never seen before the waters, skies, clouds, storms, mountains, fields, gardens, flowers, rocks, and sands of Syria and Greece, Italy and Spain. And as the bird wings northward through Switzerland and France, the reader is made to see "the orient colours change gradually into a vast belt of rainy green." Every fine detail is poetically wrought into vision, culminating in a grand contrast that makes one experience first-hand the "moral elements" of the Gothic:

> Let us contrast their delicacy and brilliancy of color, and swiftness of motion, with the frost-cramped strength and shaggy covering, and dusky plumage of the northern tribes; contrast the Arabian horse with the Shetland, the tiger and leopard with the wolf and bear, the antelope with the elk, the bird of paradise with the osprey. . . . Let us stand by him when, with rough strength and hurried stroke, he smites an uncouth animation out of the rocks which he has torn from among the moss of the moorland, and heaves into the darkened air the pile of iron buttress and ragged wall. . . . There is . . . no degradation, no reproach in this, but all dignity and honorableness . . . this wildness of thought, and roughness of work; this look of mountain brotherhood between the cathedral and the Alp.

Ruskin, who adored Byron and Walter Scott from the time he was a child, had harbored youthful ambitions of becoming a poet, but he willingly renounced them to become the single most important interpreter of art and architecture in nineteenth-century Britain. The testimony of his contemporaries suggests that his visionary force was equal to that of the most celebrated Romantic poets. Charlotte Brontë was not alone when she announced that Ruskin had made her see anew: "Hitherto I have only had instinct to guide me in judging art; I feel more as I had been walking blindfold—[*Modern Painters*] seems to give me eyes." Leslie Stephen, too, spoke for his generation when he told of the power of Ruskin's great book: "People who shared the indifference to art of those dark ages . . . were suddenly fascinated, and found to their amazement that they knew a book about pictures almost by heart." In Stephen's estimate, Ruskin had effected a sea-change in aesthetic appreciation. After him, "a comfortable indifference to artistic matters, instead of being normal and respectable, [was] pitiable and almost criminal."

IF RUSKIN'S READERS had come to expect such breathtaking vistas from him, imagine their shock when, a few pages further into "The Nature of Gothic," Ruskin abruptly moves from glorious word-painting to personal chastisement. One moment he is contrasting the perfection of ornament resulting from the Greek system of slave labor with the "imperfection" of the Gothic, the only true Christian ornament, which expresses "the individual value of every soul." And the next moment he is denouncing the per-

ROCHELLE GURSTEIN is the author of *The Repeal of Reticence* (Hill and Wang).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fection of modern ornament produced by the industrial division of labor.

It is still a shock to be addressed so personally in a book supposedly about Venetian art and architecture: "And now, reader, look round this English room of yours, about which you have been proud so often, because the work of it was so good and strong, and the ornaments of it so finished." And it is a rare experience in reading to be censured for one's pride in "accurate mouldings," "perfect polishings," and "unerring adjustments of the seasoned wood and tempered steel," and to be reproached for the blindness that comes with such hubris: "Alas! if read rightly, these perfectnesses are signs of a slavery in our England a thousand times more bitter and more degrading than that of the scourged African, or Helot Greek." (Remember that Ruskin was writing when slavery was not only a powerful metaphor.)

Here Ruskin is practicing the kind of reading that Thomas Carlyle, whom he reverently called his "master," made popular in 1829 in *Signs of the Times*. For Carlyle, all the signs pointed to an "Age of Machinery, in every outward and inward sense of that word.... Men are grown mechanical in head and in heart, as well as in hand." For Ruskin, the signs of the times were emblazoned in works of art and architecture as well as in the objects of everyday life, all of which were physical manifestations of the moral and spiritual condition of the person who made them.

What is more, such things represented the moral and spiritual state of the nation and of the age. When Ruskin came face-to-face with the "perfectnesses" of modern English manufacture, all he could see was the horror of the system that had produced them, in which men are "divided into segments of men—broken into small fragments and crumbs of life"; an industrial society in which the "multitudes are sent like fuel to feed the factory smoke, and the strength of them is given daily to be wasted into the fineness of a web, or racked into the exactness of a line." He would not allow readers to be complacent about the soul-destroying process that turned men into mere "tools." Nor would he let them forget that their desire for perfection had made men's "fingers measure degrees like cog-wheels, and their arms strike curves like compasses," and in the bargain "unhumanized them."

In Ruskin's impassioned writing, aesthetic experience and social criticism come together in a manner never seen before and never fully realized since. In the eighteenth century, when thinkers first began contemplating the nature of beauty, their question was: why do I experience delight in the presence of certain natural phenomena or particular works of art? Ruskin asked instead: what social conditions produce the physical properties of the things of the world? And thus modern industrial England stood convicted of unjust social arrangements that had produced not only aesthetic shams and deceits, but also ugliness and squalor everywhere. Never before or since has beauty—and taste—been made to bear so much moral weight. Taste, as Ruskin

John Ruskin, "Self-Portrait," 1861

COURTESY PIERPONT MORGAN LIBRARY

defined it in a lecture called "Traffic," was nothing less than "the vital function of all our being. What we *like* determines what we *are*, and is the sign of what we are; and to teach taste is inevitably to form character."

In our own time, few notions have become so trivialized as taste, which now means little more than individual whim or consumer preference. The word that Ruskin used as its opposite, "vulgarity," has virtually dropped from common usage, so closely has it been linked with snobbery or, as we say today, elitism. For Ruskin, by contrast, these words indicated a person's capacity for sensitivity, the very wellspring of morality. In *Sesame and Lilies*, his most popular book, Ruskin distinguished between a "simple and innocent vulgarity" and "true inbred vulgarity." The first was merely an "untrained and undeveloped bluntness of body and mind," which could be overcome. But the second was apparently irremediable, and far more destructive:

> There is a dreadful callousness, which, in extremity, becomes capable of every sort of bestial habit and crime, without fear, without pleasure, without horror, and without pity. It is in the blunt hand and the dead heart, in the diseased habit, in the hardened conscience that men become vulgar; they are for ever vulgar in proportion as they are incapable of sympathy—of quick understanding—of all that, in deep insistence on the common, but most accurate term, may be called the "tact" or "touch-faculty," of body and soul.

Who sounds like Ruskin anymore, or like Carlyle, or like our own Emerson? But at a time when the faith of sensitive people was being put into question, these men, each of whom had struggled with his own dark night of the soul, were revered as sages. Their contemporaries believed they had fulfilled the aim that Ruskin held out for artists: "The greatest thing a human soul ever does in this world is to *see* something, and tell what it *saw* in a plain way.... To see clearly is poetry, prophecy, and religion—all in one." (That a social critic might be a visionary is hard to imagine today, and if one should appear he or she is certain to be dismissed—as Christopher Lasch, our last such figure, was dismissed—for his or her "jeremiads.")

Carlyle was ecstatic about *The Stones of Venice*: "A strange, unexpected, and I believe, most true and excellent *Sermon* in Stones—as well as the best piece of schoolmastering in Architectonics.... The spirit and purport of these critical studies of yours are a singular sign of the times to me, and a very gratifying one." George Eliot was a constant reader of Ruskin, and venerated him as "one of the great teachers of the day. The grand doctrines of truth and sincerity in art, and the nobleness and solemnity of our human life, which he teaches with the inspiration of a Hebrew prophet, must be stirring up young minds in a promising way." Decades later, students who had heard his lectures at Oxford would respond in even more reverential tones. One recalled being "overwhelmed with the thrilling consciousness of being in the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

immediate presence, and listening to the spontaneous exercise of creative genius," and another recalled being "overwhelmed with solemn awe." When Ruskin concluded his lecture, the student reported, the audience sat "absolutely silent. We no more thought of the usual thunder of applause than we should have thought of clapping an angel's song that makes the heavens be mute." Such tributes provide a glimmering of Ruskin's power, but there is no substitute for actually reading him, an experience as resistant to paraphrase as that of poetry (or prophecy or religion).

Ruskin never stopped thinking, lecturing, and writing about art; but by 1860, midway through his life, his passion for art began to wane as he became more and more tormented by the misery and the squalor that he saw all around him. He was a man possessed by the paradox of the modern age: how was it possible that material progress had brought not spiritual advancement, but rather corruption and moral blight? During the nineteenth century in England and America, this question was at the center of a dispute between champions and critics of laissez-faire capitalism.

Today the idea of moral or spiritual progress has a quaint ring. It lingers on in the bland phrase "quality of life," but only in the most attenuated form: average life expectancy, infant mortality, literacy, incarceration rate, the number of homeless, of "squeegee men," of subways defaced by graffiti. And while there is still an occasional shudder at the obscene salary of a corporate executive, a sports star, or a Hollywood celebrity, the Ruskinian tone in the criticism of modern industrial society has fallen into oblivion. Yet one need only think of the latest planned community, housing development, research complex, strip mall, highway—let alone the latest work of art—to appreciate just how apposite Ruskin's criticism continues to be. What, we must ask with Ruskin, does all this monotony and shoddiness, this sterility and ugliness, tell us about the social conditions that produced it? What does it tell us about the moral and spiritual condition of the people who made such a world and of those who choose, consent, or are forced to live there?

So we still need Ruskin; but reading him is not an easy task. It is hard to recover the meaning of such unironic notions as "truth and sincerity in art, and the nobleness and solemnity of our human life." What is more, Ruskin's interests were far-flung, and his writing was anything but systematic: he cannot be shoehorned into any single academic discipline. In a letter to Carlyle in 1855, he jokingly reports that he is reading German metaphysics, poetry, political economy, cookery, music, geology, dress, agriculture, horticulture, and navigation all at once, which, as he adds, "takes time." And reading Ruskin is hard because he wrote so much—the famed Cook and Wedderburn edition numbers thirty-nine volumes, not counting his voluminous correspondence and diaries—and little of what he wrote is now available in affordable editions.

At a Bus Stop Outside Kandy

The roadside tea-stall closed at that hour,
Dogs curled in the chaff-flecked floury dust under the table,
The chai-man himself in a drowse of scorched milk, diesel, spilled orange Fanta.

We took the only path from the road we saw.

A kingfisher dove through the gap in the algaed surface of a pond.
For the moment it was gone, green through the eye of the green pond,
an afterimage of fanned wings, furled & bent back as if unhinged.

I could have vanished, but I didn't.

Jennifer Atkinson

Given these obstacles, and the fact that few of the many Ruskin biographies are still in print, one turns with anticipation to Tim Hilton's second volume of Ruskin's life. (*The Early Years* appeared in 1985, and *The Later Years* has been published to coincide with the centennial of Ruskin's death.) Hilton has devoted decades of his life to Ruskin, and the fruit of his enormous labors is a year-by-year, sometimes day-by-day chronicle of Ruskin's every move from 1859, when he was already a celebrated figure, to his death in 1900. At times Hilton's research provides wonderful new details about some previously overlooked aspect of Ruskin's life—for instance, we learn much about his life at Oxford as the first Slade Professor of Fine Arts. At other times Hilton seems overwhelmed by the minutiae that he has amassed, and this can result in such oddities as lists of names of the various servants and craftsmen in Ruskin's employ, or of the names and the breeds of his most faithful dogs.

But anyone interested in why Ruskin was such a towering figure of the Victorian age—or who wants to learn something about Ruskin's ideas, upon which his reputation and his claim to our continued interest must finally rest—will get little help from Hilton's scholarly efforts. To be sure, Ruskin's many books, pamphlets, and lectures—along with his private diaries and letters—appear in Hilton's study; but not for the purpose of intellectual analysis. More often than not, Ruskin's writings serve Hilton as the basis for speculations about the inner workings of Ruskin's psyche, his most private thoughts, feelings, and obsessions, which are the real subjects of this learned but deeply frustrating biography.

Ruskin was born in 1819 in London, the only child of a Scottish couple. His father was a self-made and cultivated man, with a taste for Romantic poetry and modern painting. The fortune that he made in the sherry business provided him with the means to take his family abroad annually on leisurely tours, and to collect art himself, and to buy watercolors by Turner for his appreciative son. His mother, a devout Evangelical, adored her son; and through her he experienced his first intimations of spiritual awe, as they read the Bible aloud together every day of his youth. His mother dreamed that he would enter the clergy, and his father dreamed that he would become a poet. In 1836, when Ruskin began his studies at Oxford, his mother and cousin accompanied him, and his father joined them on weekends, as the family could not bear to be apart.

Throughout his adult life, Ruskin continued to make annual pilgrimages abroad, his favorite destinations being France, Italy, and the Alps. He was an accomplished draftsman, creating an enormous quantity of delicate and detailed drawings and watercolors of clouds, sunsets, mountains, glaciers, towers, churches, shells, flowers, trees, and herbs. He wrote countless pamphlets and books, all the while keeping a diary and maintaining a huge correspondence. He gave public lectures that were so popular that they were held in large auditoriums and were often delivered twice. He taught

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

drawing at the Working Men's College in London (free of charge) and at Oxford, as well as giving lessons privately, often by correspondence. He supported a small retinue of artists who were deployed throughout Europe to record the details of Gothic architecture that was being destroyed either by restoration or by demolition. He was an avid collector of art, illuminated manuscripts, gemstones, meteorites, minerals, and botanical specimens, most of which he gave away to friends and museums. And he devised a utopian community dedicated to renewing England called St. George's Guild, to which he donated enormous personal resources.

It is a convention of Ruskin biography to divide this prolific career into two parts. There is Ruskin the interpreter of art, who before 1860—when he was just forty years old—had completed the magisterial studies that made his name, the five volumes of *Modern Painters* and *The Seven Lamps of Architecture*, and the three volumes of *The Stones of Venice*, along with poems, instructional books on drawing, and reviews of contemporary art exhibitions, in which he championed Turner's late and most controversial paintings (which were the starting point of *Modern Painters*) as well as the embattled Pre-Raphaelite painters. These early works did nothing less than shape a new sensibility. For the first time, early Italian "primitives," Gothic architecture, and mountains, especially the Alps, were proper objects of aesthetic contemplation. And his moving descriptions of Gothic cathedrals, which were under siege from overzealous restorers, led William Morris to found the Society for the Preservation of Ancient Buildings.

This was also the time when Ruskin became a celebrated author and could count among his ever-growing circle of friends Turner, Carlyle, the Brownings, Coventry Patmore, and the leading Pre-Raphaelites, along with Edward Burne-Jones and William Morris; and the time when he married the beautiful Effie Gray. Biographers have spilled much ink over this unhappy marriage, which lasted only six years. Ruskin emerges from the story as self-absorbed and inattentive, and Effie as socially successful but shallow. Neglected by her husband, she fell in love with the artist John Everett Millais (a protégé of Ruskin's), and left Ruskin for him, and had their marriage annulled in 1854.

And then there is Ruskin after 1860, the burning social critic who compared himself to Swift. This was the Ruskin who bewildered, angered, and finally alienated much of his audience with his outpourings of scorn and invective. *Unto This Last*, a violent attack on political economy that appeared in 1860, so scandalized readers that Thackeray was forced to halt its publication in *Cornhill Magazine*. But his most alarming work was *Fors Clavigera*, ninety-six letters to the "Workmen and Labourers of Great Britain," which fills two thousand pages. The publication of these monthly pamphlets began in 1871, was interrupted after seven years when Ruskin was overcome by "brain fever," and then resumed two years later, continuing until 1884.

There is nothing quite like *Fors Clavigera* in all of literature. It contains frenzied, satirical assaults on modern machinery, industrialism, trade, and war, and stunning insights about religion, mythology, art, and everyday life. At the same time it is intensely personal, with wild, fantastic tirades and soliloquies bordering on delirium. To Ruskin's disciples, it represented (in the words of his early biographer Frederic Harrison) "his essential gospel or message to a perverse world." To his critics, it was "evidence of brain disease and a nature disordered with Quixotic self-absorption and querulous nostrums of his own invention."

As for his personal life, these were the torturous years in which Ruskin lived out the consequences of his aesthetic and moral elevation: rejected by much of the public, he grew increasingly isolated and lonely. These were the years when he struggled to preserve not only his religious faith, but his sanity; and when he met Rose La Touche, the girl who was to become the great love of his life. He was her drawing teacher when she was nine and he was thirty-nine, and in 1866, when she turned eighteen, he proposed marriage. Her parents, pious evangelicals, disapproved of the idea, and Rose asked him to wait for her answer until she was older. Six years later, as Ruskin anxiously watched her become increasingly deranged by religious mania, she refused him; and by 1875 Rose had literally wasted away through repeated devotional fasts and died insane. Ruskin's last productive years were devoted to capturing the past that was on the verge of being lost—owing to modernization, but also to his repeated lapses into madness—in the hauntingly beautiful, unfinished memoir *Praeterita*. By the late 1880s, he was so incapacitated that he wrote not a single word during the final decade of his life.

This is the outline of Ruskin's life. What distinguishes Hilton's account from earlier ones is his novel claim that "the later years" are more important than the early ones, so much so that his second volume is more than twice as long as his first. Hilton believes that the official version of

www.georgetownfilmfest.com

GEORGETOWN INDYFILMFESTIVAL

AUGUST 9-12, 2001

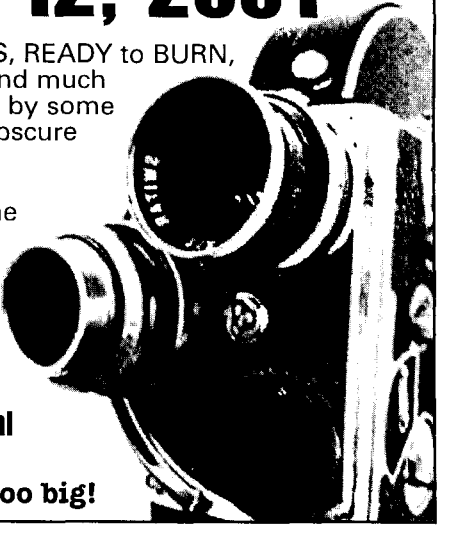
FEATURING: MEET THE WEINERS, READY to BURN, DUNCAN's SHADOW, UPGRADE and much more! Plus many new, quirky films by some of the most innovative and most obscure filmmakers in the country...

Make your early reservations for the Opening Night Party at Canal Sq., 1054 31st Street NW, Washington, DC. TICKETS $25 T-Shirts $15

Call 202-338-4300

GEORGETOWN Independent Film Festival

no film too small, no screen too big!



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ruskin presented in the massive Cook and Wedderburn edition and buttressed by the earliest biographies written by Ruskin's friends and disciples—W. G. Collingwood, E. T. Cook, and Frederic Harrison—was overly reticent when it came to the central facts of Ruskin's later years: his love for Rose and his madness. Hilton also believes these disciples never fully appreciated *Fors Clavigera*, which he considers to be Ruskin's "masterpiece." It is Hilton's aim to set matters straight.

Hilton is following in the footsteps of a group of Ruskin scholars who have made it their business to ferret out every last detail about Ruskin's private life. For his speculations about Ruskin's madness, Hilton relies heavily on Helen Gill Viljoen's edition of *The Brantwood Diary of John Ruskin* (1971). In one chapter, he reproduces Viljoen's annotations of fragmentary entries of Ruskin's diaries made while he was in the throes of madness in 1878, as if these pathetic ravings, in which Ruskin is at his most helpless, were as deserving of interpretation as his most polished lectures. And for his endless delvings into Ruskin's feelings for Rose, he relies heavily on Van Akin Burd's publication two decades ago of Rose's diaries from 1861 and 1867. As is typical of the new Ruskin scholarship, the diaries run only thirty-nine pages, while Burd's introduction fills one hundred forty-two pages. It turns out that Rose's only distinction comes from having been a girl who was loved by Ruskin. It is the rare private life, and the very rare adolescent life, that can withstand intense scrutiny without becoming banal; and the more Hilton speculates about her illnesses, her praying, her fasting, her letters, her notebooks, and her thoughts about Ruskin, the less interesting the girl becomes.

WHY RUSKIN FOUND this sickly, tormented young woman so attractive is a secret that cannot be unlocked, no matter how mercilessly her privacy and Ruskin's are invaded. And merciless is the word for Hilton's approach. He thinks nothing of printing letters to Joan Severn, Ruskin's beloved cousin and devoted caretaker, in which Ruskin indulges in a kind of baby talk that was a bond of intimacy between them. Ruskin speaks of a little girl with "pitty eggie pegs in brown tights." Hilton seizes on this as if it were a public confession of Ruskin's "predilections," as he calls it.

Since Ruskin's sexuality is never far from Hilton's mind, he imagines that it is just as often on Ruskin's mind, even though Hilton lacks the historical evidence to warrant such musings. When Joan is about to be married, Hilton comments: "Revolted by adult physical love, Ruskin could not come to terms with the fact that Joan and Arthur would henceforth share a bed. Perhaps this is why he arranged that they should spend the first week of their honeymoon under the roof of a clergyman." Hilton goes so far as to imagine the virginal, pious young Rose wondering about the same thing: "Surely two thoughts about her suitor were constantly on Rose's mind." And the most important of those thoughts was: "What was the secret of his sexuality?"

What in the end is gained from all this prying and speculating? Not very much, since no matter how hard Hilton tries to plumb the psychic depths, his analyses remain trapped at the surface. We learn that Rose suffered from "anorexia nervosa" and that Ruskin was a "pedophile." Hilton thus reduces the confounding, mysterious aspects of Ruskin's private life to familiar clinical terms. This raises methodological questions so profound that they are philosophical questions. Are the minds of others really so transparent? Are some things so personal that they necessarily elude an outsider's grasp?

THESE QUESTIONS ARE equally pressing when it comes to Hilton's treatment of Ruskin's mental collapse. In chapter after chapter, he reprints passages from Ruskin's diaries and letters as well as from letters of family, friends, and doctors that reveal the terrifying, grueling details of Ruskin's often violent fits of madness, thereby enabling us to observe humiliating incidents never meant for curious onlookers. It is not that Ruskin's madness is inappropriate for a biography. His "brain fevers," along with incessant attacks of illness and bitter despair, were central events of his life. Ruskin himself wrote at length and publicly about them, and his early biographers never shied away from these unhappy matters. Certainly it would have been worthwhile to try to grasp what Ruskin meant when he spoke almost rhapsodically of his "visions" or when he spoke with a fury bordering on despair that he had been driven insane because "nothing came of [his] work," because "nobody believed a word of [it]." Ruskin's madness also might have provided a lens into the Victorian cult of the prophet-seer, whose exquisite sensitivity makes him suffer more than ordinary mortals, causing him to wrestle with wide issues of life and death, to speak out against misery and injustice, only to be condemned by public opinion, leaving him more lonely and despairing, with the tragic result of madness or suicide.

But those are not Hilton's concerns. He believes, without ever explaining why, that "we may know Ruskin best when he is insane or near to insane." And to get at this essential Ruskin, Hilton repeatedly offers the most direct unmediated experience possible of Ruskin's torments: page after excruciating page of the "Brantwood Diary," in which Ruskin is wild with delirium. After printing the fragments that Ruskin recorded during two nightmarish days in February 1878, Hilton plays the material for all its dramatic effect: "The diary brings us to the abyss of Saturday morning. We know that Ruskin's mind is about to break...." Apparently Hilton accepts the Romantic caricature of genius, according to which greatness must always be inflected by abjection and deviance. Why else would he present his subject "naked and deranged on the morning of Saturday, 23 February"? Hilton turns tragedy into spectacle.

The act of exposure alters the nature of some things. What is emotionally fraught in private may become histrionic or grotesque when it is served up for public consumption. By making Ruskin's "attraction to pre-pubescent girls" and "mental breakdowns" the main story of his later life, Hilton has provided a misleading impression, a historically unjust impression, of those years. Surely the biographer must present a picture of his or her subject—no matter how critical—that would be recognizable to those who lived at the time, even if they could not have presented the picture in this particular light. Hilton's psycho-pathological approach is another variety of presentism, which not only limits our access to the past but also betrays condescension and even contempt for worlds different from our own.

ONE RESULT OF Hilton's narrow focus is that an entire line of Ruskin appreciation simply disappears from the historical record. We learn nothing about why Carlyle, Emerson, and Tolstoy were among Ruskin's many admirers, or about his enormous influence. After all, Ruskin societies dedicated to the study of his works once flourished in Britain and in America, and his writings became an inspiration for Arts and Crafts movements and modernist design and architecture. After his death, Ruskin's blistering social criticism was adopted by the left (an ironic outcome, since Ruskin called himself "a violent Tory of the old school—Walter Scott's school... and Homer's"). George Bernard Shaw was a disciple, and a survey of the first Parliament in which the British Labour Party gained seats revealed that *Unto This Last* had a greater influence upon them than *Das Kapital*. And *Unto This Last* also "marked the turning point" in the life of Gandhi, who translated it and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

declared that "it made me transform my life." Ruskin's exquisite literary sensibility captured Proust, who knew parts of *Praeterita* by heart and also translated Ruskin.

Yet it is not only the public figure who disappears under the barrage of unseemly conjectures. The private man also has little room to surface. Personal reminiscences are rare in Hilton, largely because of his disdain for what he regards as the "pious" tone of Ruskin's intimates. Thus we hear almost nothing from Charles Eliot Norton, the American whom Ruskin called his "first real tutor" and dearest friend. Ruskin's sympathy with Norton was such that he made him his literary executor. But Hilton has almost a personal animus for Norton, and for Joan Severn as well, because after Ruskin's death they burned his most revealing letters, which means that we will never get to the bottom of Ruskin's "obsession" with Rose. For Norton and Severn, of course, their act was one of love and devotion: they wanted to protect Ruskin from the cold eyes of curious strangers.

Hilton's decision to banish friends such as Norton to the margins of Ruskin's life deprives his story of the kind of historical detail that is the lifeblood of biography. In a letter in 1869, for example, Norton spoke of Ruskin's sweetness, generosity, and kindness, giving as an example the way he sent the Norton family "a quantity of beautiful water-colours—William Hunt's, his own, and Turner's work—to hang on our walls, and as long as we stayed in England he supplied us with all the drawings of this sort we desired." Yet he did not shy away from the darker aspects of his friend, who he had come to believe was melancholy in the extreme, "one whose nature seemed to have been so sensitized to pain by the experience of life." Still, Norton's portrait is not all darkness; he describes also Ruskin's sense of humor, fun, and gaiety. He tells of a visit that Ruskin paid his family, accompanied by two "vivacious" young ladies. The two girls were singing at the piano at the other end of the room, but their performance of a "lively Negro melody" did not suit Ruskin. So, Norton reports, he "corrected them, when suddenly Miss Joan ran across the room, seized him by both hands, dragged him after her and compelled him to join them, which he did with excellent grace."

In the preface to his edition of *Letters of John Ruskin to Charles Eliot Norton*, which was published in 1904, Norton tried to take account of Ruskin's nature, which he declared was "in the highest degree complex." To prepare readers for Ruskin's less attractive qualities—his arrogance, vanity, and impetuousness—he evoked the figure of the creative genius, noting that Ruskin was "a personage altogether exceptional. The measuring rod which serves for common men will not answer for him." Norton then offered a final assessment of his friend's life: "Taken all together [the letters] form a tragic record of the perplexities of a great and generous soul, the troubles of a tender heart, the spendthrift use and at last the failure of exceptional powers." Norton put the matter even more poignantly to Leslie Stephen just after Ruskin's death: "The whole retrospect of [his life] is pathetic; waste, confusion, ruin of one of the most gifted and sweetest natures the world ever knew. He was a kind of angel gone astray; meant for the thirteenth century he got delayed on the way and when he finally arrived was a white-winged anachronism."

It is this judgment that marks the unbridgeable divide between Norton's vision of Ruskin and Hilton's: what Norton mourns as tragic waste, Hilton celebrates as creative excess. And so it is that people who have never read a word of Ruskin will now know that his marriage was annulled on the grounds of non-consummation, and that he had a taste for young girls, and that he lost his mind. Hilton's biography has only given them more to gossip about, while Ruskin's beautiful books rot in the libraries. ■

THE NEW REPUBLIC

WE WOULD LIKE YOUR HELP!

If there is a newsstand or bookstore in your neighborhood that *does not* sell THE NEW REPUBLIC and you think it should, please let us know. Either call us at (202) 331-7494, ext. 3402, or e-mail the name and address of the newsstand or bookstore, along with your name, to: Circulation@tnr.com.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DURHAM DIARIST

Safe

ON FRIDAYS, THE LINE usually begins to form at 11:30 a.m.; by noon, when the doors open, dozens of people are waiting to enter. Friday, of course, is payday—the busiest day of the week at the Cooperativa Comunitaria Latina de Crédito, or, in English, the Latino Community Credit Union (LCCU). The LCCU offers direct deposit to its 2,200 members—mostly Latino immigrants working at the bottom rungs of the service industry. But few take advantage of it. Instead, they bring their paychecks in person to a building in downtown Durham. They come during lunch or, if they don't get a lunch break, after five o'clock, when the workday is through. Often the line is so long at the end of the day that the LCCU has to stay open an hour and a half past its seven o'clock closing time. Surveying the hotel maids and landscapers standing underneath the Latin American national flags that hang from the credit union's ceiling as they wait to deposit their checks, John Herrera, the president of the LCCU board, explains: "A lot of folks want to smell the cash."

THAT IS NOTHING NEW. AS LONG AS there have been immigrants in the United States, there have been immigrant banks. East European Jewish immigrants in New York, Chicago, Boston, even Altoona, Pennsylvania, established Hebrew loan societies in the late nineteenth and early twentieth centuries to finance their early business ventures. Japanese and Chinese immigrants did something similar. And Bank of America, today the nation's third-largest bank, began in San Francisco in 1904 as the Bank of Italy. So with the recent influx of Latino immigrants into North Carolina—census figures show that the state's Latino population quadrupled from fewer than 100,000 in 1990 to nearly 400,000 last year—a Latino credit union was probably inevitable. But the motive behind the LCCU's formation was a bit different from the one that prompted Jewish and Chinese and Italian immigrants to form their own financial institutions a century ago. For the Latinos in North Carolina, it wasn't a matter of loans and low interest rates; it was a matter of life and death.

IN HIS RECENT BOOK *THE NEW AMERICANS*, Michael Barone sings the praises of America's Latino immigrants. In particular, he celebrates their work ethic and their distrust of institutions—a combination that, Barone argues, has bred a remarkable sense of individual initiative. "The Latinos," Barone writes, "worked exceedingly hard and often did not apply for welfare benefits for which they qualified." But there is a downside to this distrust. As Latino immigrants entered the U.S. workforce, they often lacked sufficient faith in financial institutions to entrust them with the money they were earning. So they kept their cash in their homes—stashing it under mattresses, in refrigerators, even behind electrical outlet plates. In other words, Latino immigrants became easy marks for criminals.

IVAN PARRA, A COLOMBIAN IMMIGRANT who runs the Latino community group El Centro Hispano in Durham, remembers the summer of 1997 as the worst. "We had an average of five to ten different people coming in every day telling us, 'I was robbed.' 'Somebody entered my home.' 'Somebody stole my money,'" he says. A rash of shootings left one Latino man blind, another paralyzed, and two dead. In one of the most horrific crimes, a man robbed and then raped a Latina woman as his accomplices held a gun to her baby's head. Some Latinos decided to take the law into their own hands and organized posses to mete out vigilante justice. Since, by dint of geography, most of the perpetrators were African American, Durham teetered on the brink of race war. Belatedly, the city tried to address the problem. The police hired bilingual 911 operators and put more officers in Latino neighborhoods; local officials reassured Latinos that they would not be turned over to the Immigration and Naturalization Service if they reported a crime. But the most important reform may have been the effort to convince Latinos to keep their money outside their homes.

AT FIRST, CITY LEADERS AND COMMUNITY organizers tried to get Durham's big banks to reach out to Latino immigrants. And the banks did take some initial steps, hiring a few bilingual tellers, printing some of their materials in Spanish, and, most importantly, allowing people to open accounts with a taxpayer identification number as opposed to a Social Security number, which most illegal immigrants don't have. But, in the end, the banks—in what now looks like a remarkably shortsighted decision—were unwilling to offer the sorts of services necessary to overcome Latinos' inherent distrust of financial institutions.

SO HERRERA, A DURHAM COMMUNITY organizer who came to the United States from Costa Rica as a college student in 1983, decided to found a credit union geared to the area's Latino immigrants. The credit union would not only boast an entirely bicultural staff, print all its materials in Spanish, and let people open accounts with a taxpayer ID number; it would also offer its members, many of whom send a substantial portion of their paychecks to families back home, a money-wiring service much less expensive than Western Union's. Unlike the banks, it would hold classes for new members on personal finance issues ranging from how to write a check to getting a car loan to starting a college savings account for their children. And, during those classes, it would offer child care, since many Latino immigrants go to the credit union with their entire families in tow. Herrera lined up the support of the North Carolina State Employees' Credit Union, which has given LCCU members access to its automated-teller-machine network and has done the LCCU's processing work. He enlisted the help of a nonprofit financial services group called the Center for Community Self-Help, which helps the LCCU pay for its space in an old Wachovia bank branch. And he persuaded civic groups, churches, and foundations to provide seed money; the commercial banks, realizing that the LCCU is the point of entry into the financial industry for thousands of people, have also chipped in. The LCCU now boasts $8.25 million in assets. But the $1.5 million in member deposits is the LCCU's most impressive figure. "That's $1.5 million that's off the street," says Herrera. "That's $1.5 million that's in a safe place."

TODAY, DURHAM IS A MUCH SAFER place for Latinos: Armed robberies and home invasions are down; so are emergency-room admissions. And there's no doubt the credit union has played a role. But other parts of the state are not experiencing a similar decrease in crimes against Latinos. On a Friday night last month in Charlotte, two Latino immigrants were shot and killed in robbery attempts only hours apart—the most recent casualties in a spate of robberies targeting Latinos in that city. This fall, the LCCU plans to open a branch in Charlotte, with a Raleigh branch to follow. (Groups from Atlanta and Madison, Wisconsin, have also been to Durham to look into starting Latino credit unions in their cities.) Charlotte's police and Latino community leaders say it can't get there soon enough.

JASON ZENGERLE

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Truth About School Vouchers – 4
Vouchers Save Money

"Milwaukee's voucher experiment...drain[s] $28 million a year from the city's public school system." — Robert Chase, President of the National Education Association.

That claim — standard fare for voucher opponents — is flatly contradicted by new information from, of all places, *the Milwaukee Public Schools (MPS)*. The June 25 MPS data prove that Chase and other choice opponents use half-truths to describe the fiscal impact of vouchers.

Parental School Choice is Widespread — Unless You're Poor.

For example, the amount cited by Chase is not a *net loss*. It omits any accounting for expenses that MPS would incur if nearly 10,000 voucher students returned to its schools. The June 25 MPS report estimates that operating expenses would grow $70 million *and* borrowing would rise another $70 million if current voucher students returned to MPS.

MPS School Board member Kenneth Johnson explained why he asked for this fiscal impact analysis: "People were talking anecdotally about all the things we could do if choice ended. I thought that people needed to know the truth."

As MPS School Board member John Gardner said, "I don't think anyone denies that if MPS had to absorb even 2,000, much less 5,000, 6,000 or 10,000 kids next year, we would be in disastrous shape for space, money and class size reduction."

An earlier analysis (October 2000) by research staff at *USA Today* further demonstrates the fallacy of claims that vouchers have an unfair financial impact on public schools. *USA Today* found that "[e]ven as the Milwaukee Parental Choice Program has grown, [MPS] has added staff and increased spending." In fact, during the Milwaukee program's first decade, real spending in MPS grew *three times faster* than enrollment.

As MPS' Johnson would say, it's about time that people "know the truth."

baeo
Black Alliance for Educational Options

For more information go to: www.schoolchoiceinfo.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Where does he get the energy?

America's small business owners. They're working twenty-four hours a day, seven days a week, turning ideas into the corporations of tomorrow. What keeps them going? Ambition, strong coffee and a consistent, reliable source of electricity. The success of small businesses in America is placing new demands on our national electricity supply. And there are more challenges ahead. But with government and community support, America's power companies can build the new generation facilities and transmission lines our nation needs. Together, we can ensure that today's entrepreneurs have the power they need to keep growing. Visit www.eei.org to learn how American progress depends on power.

America's Power Source

EDISON ELECTRIC INSTITUTE
www.eei.org

©2001 by the Edison Electric Institute. All rights reserved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED